



Christchurch City Council

AKAROA-WAIREWA COMMUNITY BOARD AGENDA

THURSDAY 20 NOVEMBER 2008

AT 9:30 AM

IN THE BOARDROOM
LITTLE RIVER SERVICE CENTRE
STATE HIGHWAY 75, LITTLE RIVER

Community Board: Stewart Miller (Chairman), Bryan Morgan (Deputy Chairman), Jane Chetwynd, Claudia Reid, Pam Richardson and Eric Ryder

Community Board Adviser
Liz Carter
Phone 941 5682 DDI
Email: liz.carter@ccc.govt.co.nz

- PART A - MATTERS REQUIRING A COUNCIL DECISION
- PART B - REPORTS FOR INFORMATION
- PART C - DELEGATED DECISIONS

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20.11.08

1. **APOLOGIES**

2. **CONFIRMATION OF MEETING MINUTES – 23 OCTOBER 2008**

The minutes of the Board's ordinary meeting of 23 October 2008 are **attached**.

STAFF RECOMMENDATION

That the minutes of the Board's ordinary meeting be confirmed.

20.11.08

**AKAROA/WAIREWA COMMUNITY BOARD
23 OCTOBER 2008**

**A meeting of the Akaroa-Wairewa Community Board
was held on Thursday 23 October 2008 at 9.30am in the Boardroom,
Akaroa Service Centre, 78 Rue Lavaud, Akaroa**

PRESENT: Stewart Miller (Chairman), Jane Chetwynd, Bryan Morgan, Claudia Reid, Pam Richardson and Eric Ryder

APOLOGIES: Nil

The Board reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. STANLEY PARK CLASSIFICATION

General Manager responsible:	City Environment Group General Manager, Jane Parfitt; DDI 941- 8608
Officer responsible:	Terry Howes, Asset & Network Planning Manager
Author:	Delia Walker, Recreation Planner

1. The Community Board considered a report seeking the approval of the Council on the following:
 - (a) that the Council resolve to classify, pursuant to Section 16(2A) of the Reserves Act 1977, that parcel of land identified in this report as Lot 13 on Deposited Plan 34118, currently vested in Christchurch City Council as utility reserve but not currently classified under the Reserves Act 1977 be classified as recreation reserve; and
 - (b) that the Council resolve to classify, pursuant to Section 16(2A) of the Reserves Act 1977, that parcel of land identified in this report as Lot 16 on Deposited Plan 34118, currently vested in the Christchurch City Council as recreation reserve, but not formally classified under the Reserves Act 1977 be classified as recreation reserve; and
 - (c) that the Council resolve to classify, pursuant to Section 16(2A) of the Reserves Act 1977, that parcel of land identified in this report as Lot 10 on Deposited Plan 44882, currently vested in the Christchurch City Council as recreation reserve, but not formally classified under the Reserves Act 1977 be classified as recreation reserve; and
 - (d) that the Council resolve to classify, pursuant to Section 16(2A) of the Reserves Act 1977, that parcel of land identified in this report as Lot 8 on Deposited Plan 44882, currently vested in the Christchurch City Council as recreation reserve, but not formally classified under the Reserves Act 1977 be classified as recreation reserve.
2. The Board made decisions under delegated authority noted in clause 10 of this report, regarding declaring land a reserve under Section 14 of the Reserves Act 1977

(Refer Clause 10 of these minutes)

EXECUTIVE SUMMARY

3. Stanley Park occupies just over six hectares of land on the central spur of Akaroa and is used primarily for recreation purposes. Certain parcels of land, which abut Stanley Park, are either vested in the Council for no particular purpose and therefore are not subject to the Reserves Act 1977, or are vested as reserve under the Reserves Act 1977, but have not been formally classified as required by that Act.

1 Cont'd

4. Council officers wish to proceed to prepare a management plan for Stanley Park under Section 41 of the Reserves Act 1977. However, the draft management plan cannot be publicly advertised for consultation until all the land parcels concerned are formally vested as reserve and classified under the Reserves Act 1977. It is therefore desired to seek the Council's confirmation to declare or classify the parcels of land described in 4 below as recreation reserve, as this classification best reflects the status and values of these parcels of land.
5. The parcels of land concerned are as follows:
 - (a) 0.0249 hectare being RS 41483, shown as Schedule A on the attached map. This land parcel was formerly legal road (Rue Charbonnier) which has been stopped, but which has not been formally declared to be reserve under the Reserves Act 1977.
 - (b) 0.1431 hectare being Lot 2 on Deposited Plan 344385, shown as Schedule B on the attached map. This land parcel is part of Stanley Park and is vested in Christchurch City Council for no particular purpose. It has not been formally declared a reserve under the Reserves Act 1977.
 - (c) 0.0383 hectare being Lot 13 DP 34118, shown as Schedule C on the attached map. This land parcel is currently vested in Christchurch City Council as utility reserve, however it still remains to be formally classified under the Reserves Act 1977. The primary existing use of this parcel is for recreation purposes.
 - (d) 0.0873 hectare being Lot 16 on Deposited Plan 34118, shown as Schedule D on the attached map. This land parcel is currently vested in the Christchurch City Council as recreation reserve, however still remains to be formally classified under the Reserves Act 1977.
 - (e) 0.0967 hectare being Lot 10 on Deposited Plan 44882, shown as Schedule E on the attached map. This land parcel is currently vested in the Christchurch City Council as recreation reserve, however still remains to be formally classified under the Reserves Act 1977.
 - (f) 0.0143 hectare being Lot 8 on Deposited Plan 44882, shown as Schedule F on the attached map. This land parcel is currently vested in the Christchurch City Council as recreation reserve, however still remains to be formally classified under the Reserves Act 1977.

FINANCIAL CONSIDERATIONS

6. There are no significant costs associated with the recommendations of this report. All costs that will be incurred have been budgeted for.

LEGAL CONSIDERATIONS

7. Section 14 of the Reserves Act 1977 authorises the Council to declare any land vested in it as reserve and provides as follows:

"14 Local authority may declare land vested in it to be a reserve

(1) Subject to this section, any local authority may by resolution declare any land vested in it to be a reserve within the meaning of this Act subject to any conditions specified in the resolution, to be held for any of the purposes specified in Sections 17 to 23 of this Act.

(2) No such resolution shall be passed before the expiration of one month after notice of intention to pass the same and calling for objections thereto in writing has been published in one or more newspapers circulating in its district, and until it has considered all such objections received within that period:

[Provided that such a notice of intention shall not be necessary where a district plan makes provision for the use of the land as a reserve or the land is designated as a proposed reserve under an operative district plan under the Resource Management Act 1991.]

1 Cont'd

- (3) *A copy of the resolution shall be forwarded to the Commissioner for transmission to the Minister, together with all objections (if any) received as aforesaid and the comments of the local authority thereon.*
- (4) *The Minister shall consider the resolution and such objections (if any) as have been received by the local authority and the comments of the local authority thereon, and shall then in his discretion either cause the resolution to be gazetted or refuse to do so.*
- (5) *No resolution under this section shall have any force or effect until it is gazetted as aforesaid."*
8. The requirements of Section 14(2) of the Reserves Act 1977 have been complied with and no objections received.
9. Section 16(2A) of the Reserves Act 1977 authorises that Council to classify any reserve of the type referred to in that section as follows:
- "16 Classification of reserves**
- (2A) *Notwithstanding subsection (1) of this section, where any reserve was—*
- (a) *Vested in a local authority which did not derive its title to the land from the Crown; or*
- (b) *Created under Section 17 of the Land Laws Amendment Act 1920; or*
- (c) *Created under Section 16 of the Land Act 1924; or*
- (d) *Created under Section 13 of the Land Subdivision in Counties Act 1946; or*
- (e) *Purchased out of money paid out of the Land for Settlements Account in accordance with Section 14(2) of the Land Subdivision in Counties Act 1946; or*
- (f) *Created under Part 20 of the Local Government Act 1974; or*
- [(g) *Created under Part 10 of the Resource Management Act 1991—] and is or remains vested in a local authority, that local authority shall, by resolution, classify the reserve according to its principal or primary purpose, as defined in Sections 17 to 23 of this Act."*
- (4) *Before classifying any reserve under subsection (1) of this section, the minister shall give public notice in accordance with Section 119 of this Act specifying the classification proposed, and shall give full consideration in accordance with Section 120 of this Act to all objections against and submissions in relation to the proposal received pursuant to the said Section 120.*
- (5) *Notwithstanding subsection (4) of this section, no such public notice shall be necessary where—*
- (a) *The classification proposed for any reserve is substantially the same as the purpose for which the reserve was held and administered immediately before the commencement of this Act; or*
- [[(b) *The intended use of the land is in conformity with the relevant operative district plan under the Resource Management Act 1991]]; or*
- (c) *The classification proposed is a condition subject to which the land was acquired for reserve purposes*
10. The requirements of Section 16(4) of the Reserves Act 1977 have been complied with and no objections received.
11. Section 17(1) of the Reserves Act 1977 defines recreation reserves as lands held *"for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside"*.

1 Cont'd

12. Clause 32 of Schedule 7 of the Local Government Act 2002 expressly permits local authorities "for the purposes of efficiency and effectiveness in the conduct of the local authorities business" to "delegate to a committee, or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties or powers except those specified in that clause.
13. Pursuant to clause 32 of Schedule 7 of the Local Government Act 2002 the Council has delegated to Community Boards the power, to exercise within their communities (as defined in the Local Government Act 2002), to declare land to be reserve under Section 14 of the Reserves Act 1977.
14. The Council has not delegated to Community Boards the power to classify existing reserve land under Section 16 of the Reserves Act 1977, and accordingly Community Boards can only recommend to the Council that this occurs.
15. Once a land parcel has been declared to be reserve under Section 14 of the Reserves Act 1977 it is by Section 16(2) deemed to be classified and therefore does not need to be the subject of a separate classification process.

STAFF RECOMMENDATION

It is recommended:

1. That the Council resolve:
 - (a) That pursuant to Section 16(2A) of the Reserves Act 1977 the land described in Schedule C below be classified under Section 17 of the Reserves Act 1977 as recreation reserve.
 - (b) That pursuant to Section 16(2A) of the Reserves Act 1977 the land described in Schedule D below be classified under Section 17 of the Reserves Act 1977 as recreation reserve.
 - (c) That pursuant to Section 16(2A) of the Reserves Act 1977 the land described in Schedule E below be classified under Section 17 of the Reserves Act 1977 as recreation reserve.
 - (d) That pursuant to Section 16(2A) of the Reserves Act 1977 the land described in Schedule F below be classified under Section 17 of the Reserves Act 1977 as recreation reserve.

Schedule	Legal Description	Area	Title	Held As	Recommendation	Public Notification
C	Lot 13 DP 34118	0.0383 ha	CB13F/1088	Vested in Christchurch City Council as utility reserve	Classify as recreation reserve	Yes
D	Lot 16 DP 34118	0.0873ha	CB13F/1089	Vested in Christchurch City Council as recreation reserve	Classify as recreation reserve	Not required
E	Lot 10 DP 44882	0.0967ha	No title	Vested in Christchurch City Council as recreation reserve	Classify as recreation reserve	Not required
F	Lot 8 DP 44882	0.0143ha	No title	Vested in Christchurch City Council as recreation reserve	Classify as recreation reserve	Not required

1 Cont'd

BOARD RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND

Stanley Park

16. Stanley Park is used primarily as a passive recreational area, noted for its rural open character. There is a mixture of open space and wooded areas with a network of walking tracks that provide access for local residents to/from the township, and for local residents and visitors to the park to enjoy the environment and magnificent views. Sited on the park is a fire siren. Stanley Park occupies a special site overlooking the Akaroa Harbour.
17. Background to recommendations are as follows:
 - (a) (i) RS 41483 (0.0249ha) was previously legal road, now stopped, and is currently held by the Christchurch City Council as fee simple without a specified purpose being recorded. This area is primarily used for recreational purposes as part of a walkway between Watson Street and Penlington Place and was part of the former Rue Charbonnier. This section of road has been formally stopped, but has not been declared reserve.
 - (ii) The Community Board resolved to declare RS 41483 a recreation reserve under Section 17 of the Reserves Act 1977.
 - (b) (i) Lot 2 on Deposited Plan 344385 (0.1431ha) is currently held by the Christchurch City Council as fee simple without a specific purpose being recorded. This area is primarily used for recreation purposes. Previously this land was part of Lot 1 on Deposited Plan 2869 (Stanley Park). In March 2005 it was divided into a separate land parcel.
 - (ii) The Community Board resolved to declare Lot 2 on Deposited Plan 344385 a recreation reserve under Section 17 of the Reserves Act 1977.
 - (c) (i) Lot 13 on Deposited Plan 34118 (0.0383ha) is currently held by the Christchurch City Council as utility reserve but has not been formally classified under the Reserves Act 1977. Although there are utility services situated under this small area of reserve, in the context of managing the reserve the primary purpose is for recreation purposes, and therefore should be classified as such.
 - (ii) To comply with the requirements of Section 16(2A) of the Reserves Act 1977 a Council resolution is required to classify Lot 13 on Deposited Plan 34118 under Section 17 of the Reserves Act 1977. Accordingly, it is recommended that Lot 13 on Deposited Plan 34118 be classified as recreation reserve.
 - (d) (i) Lot 16 on Deposited Plan 34118 (0.0873ha) is currently held by the Christchurch City Council as recreation reserve but has not been formally classified under the Reserves Act 1977. The primary existing use of this land parcel is for recreation purposes being utilised as part of the walkway between Watson Street and Penlington Place.
 - (ii) To comply with Section 16 (2A) of the Reserves Act 1977 a Council resolution is required to classify Lot 16 on Deposited Plan 34118 under Section 17. Accordingly it is recommended that Lot 16 on Deposited Plan 34118 be classified as recreation reserve.

1 Cont'd

- (e) (i) Lot 10 on Deposited Plan 44882 (0.0967ha) is currently held by the Christchurch City Council as recreation reserve but has not been formally classified under the Reserves Act 1977. The primary existing use of this land parcel is for recreation purposes being utilised as part of the walkway between Watson Street and Penlington Place.
- (ii) To comply with Section 16 (2A) of the Reserves Act 1977 a Council resolution is required to classify Lot 10 on Deposited Plan 44882 under Section 17. Accordingly it is recommended that Lot 10 on Deposited Plan 44882 be classified as recreation reserve.
- (f) (i) Lot 8 on Deposited Plan 44882 (0.0143ha) is currently held by the Christchurch City Council as recreation reserve but has not been formally classified under the Reserves Act 1977. The primary existing use of this land parcel is for recreation purposes being utilised as part of the walkway between Watson Street and Penlington Place.
- (ii) To comply with Section 16 (2A) of the Reserves Act 1977 a Council resolution is required to classify Lot 8 on Deposited Plan 44882 under Section 17. Accordingly it is recommended that Lot 8 on Deposited Plan 44882 be classified as recreation reserve.

Gazette Notice

- 18. Council officers will notify the Department of Conservation (DoC) of the Council resolutions, requesting that the declarations and classifications be gazetted. Council officers will then have these gazette notices registered against the respective certificates of titles.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

- 19. The staff recommendations align with the LTCCP objective to provide a network of parks, open spaces, waterways and wetlands that meet community and environmental needs (p 124 LTCCP 2006-16), including access to open space, protection of natural resources and scenic values, and contribution to the city landscape.

ALIGNMENT WITH STRATEGIES

- 20. The staff recommendations are consistent with the Greater Urban Development Strategy strategic direction to enrich lifestyles by developing an open space network and providing additional recreational opportunities in parks and natural areas, and to enhance environments by recognising the value of, and protecting the coastline, estuaries, wetlands and waterways. (p 15 Greater Christchurch Urban Development Strategy)

CONSULTATION FULFILMENT**Public Notification Requirements**

- 21. With respect to Lot 16 on Deposited Plan 34118, Lot 10 on Deposited Plan 44882 and Lot 8 on Deposited Plan 44882, which are proposed to be classified as recreation reserve, public notification is not required under Section 16(5)(c) of the Reserves Act 1977. This section provides that no public notification of any proposed classification of a reserve is required where *"the classification proposed is a condition subject to which the land was acquired for reserve purposes"*. Public notification is therefore not necessary in relation to the proposed classification of Lot 16 on Deposited Plan 34118, Lot 10 on Deposited Plan 44882 and Lot 8 on Deposited Plan 44882. These parcels were vested in Christchurch City Council for recreation purposes.

1 Cont'd

22. With respect to RS 41483 and Lot 2 on Deposited Plan 344385, which are proposed to be declared reserve held for recreation purposes, public notification is required under Section 14 (2) of the Reserves Act 1977. *This section provides that "no such resolution shall be passed before the expiration of one month after notice of intention to pass the same and calling for objections thereto in writing has been published in one or more newspapers circulating in its district, and until it has considered all such objections received within that period:*
[Provided that such a notice of intention shall not be necessary where a district plan makes provision for the use of the land as a reserve or the land is designated as a proposed reserve under an operative district plan under the Resource Management Act 1991.]
23. With respect to Lot 13 on Deposited Plan 34118, which is proposed to be classified a recreation reserve, public notification is required under Section 16(4) of the Reserves Act 1977. This section provides that *"before classifying any reserve under subsection (1) of this section, the minister shall give public notice in accordance with Section 119 of this Act specifying the classification proposed, and shall give full consideration in accordance with Section 120 of this Act to all objections against and submissions in relation to the proposal received pursuant to the said Section 120"*.

PART B – REPORTS FOR INFORMATION

2. RESERVE MANAGEMENT COMMITTEE MINUTES

2.1 Duvauchelle Reserve Management Committee - 8 September 2008

Board members agreed that a visit to each of the reserves in the Akaroa/Wairewa Ward should take place in the new year.

The Board **received** the minutes of the Duvauchelle Reserve Management Committee meeting held on 8 September 2008.

3. BRIEFINGS

3.1 Metropolitan Sports Facilities Plan

David Bailey (Programme and Activity Manager) attended the meeting and updated the Board on the Metropolitan Sports Facilities Plan.

Board members informed Mr Bailey that although domains in the Akaroa/Wairewa area were not part of the Metropolitan Sports Facilities Plan they would like to see some of these grounds being utilized as metropolitan facilities, e.g. Awa-iti Domain at Little River. The Board was informed that Akaroa/Wairewa facilities needed to be incorporated into the central booking system for these facilities to be identified as being available and that staff were investigating this process at the present time.

Other issues discussed were:

- Lake Forsyth - an option for rowing events
- Walkways, cycleways, paper roads - landowners input required
- Parking/traffic issues when planning a facility

3.2 Storm Clean-Up

Owen Southen (Senior Contract Manager, Land Drainage) attended the meeting and updated the Board on the clean-up from the winter rains and what Council is doing from a stormwater perspective.

3 Cont'd

Problem areas discussed were:

- Rue Lavaud/Woodills Road - stream blocked - Work is underway to solve any further problems in this area
- Onuku Road - Erosion on private land due to surplus stormwater run-off
- Onuku Road/Hempleman Drive issues
- Old Coach Road - blocked sump
- Pipers Valley - Erosion
- Wainui Stream - blockage
- Kingfisher Avenue - secondary drainage being put in place to divert excess water

Mr Southen informed the Board that staff would be working with local contractors during storm times to ensure similar issues in particular areas did not recur.

Mr Southen was informed that during the recent storms the local movie theatre had been flooded and staff were asked to be aware of this as a potential problem in the future.

Mr Southen was also advised that surplus water often collected at the corner of Rue Brittan and Rue Lavaud.

4. COMMUNITY BOARD ADVISER'S UPDATE

The Community Board Adviser updated the Board on a number of issues:

- Traffic Management Plan for Cruise Ship - Board members agreed that the cost to undertake a traffic management plan was entirely the responsibility of the tour operator.
- LTCCP - Visit from Jane Parfitt and Ross Herrett on 21 November 2008.
- NZ Transport Agency - reply on issues relating to State Highway 75.

5. ELECTED MEMBERS INFORMATION EXCHANGE

Members shared information on current issues and activities, including:

- Funding - Akaroa Town Crier - Staff were asked to clarify the situation with regards to funding being reapplied for if an application has been declined due to it not meeting the criteria of a particular scheme.
- French Farm - A local resident had suggested that French Farm be renamed "French Farm Bay". It was suggested that the New Zealand Geographical site be checked for the correct name before further action was taken.
- Local Contractors - the Community Board Adviser explained to members the process for minor work to be undertaken on Council's facilities and that a contractor must be listed as a 'preferred supplier' under Council's current policy.
- Historic Area Seminar - Board members agreed that another seminar similar to the one held recently on the Historic Area of Akaroa should be arranged and that Capital Programme staff could be invited to attend. Members felt it was important that staff understood issues regarding the historic area so that projects could be properly planned. It was agreed that this suggestion be discussed with the General Manager, City Environment Group when the Board meet with her on 21 November.
- Akaroa Walkways - funding for future walkways needed to be placed in LTCCP.

5 Cont'd

- Childrens Bay Walkway - Board members agreed in principle to an official opening of the Childrens Bay Walkway and delegated Board member Jane Chetwynd to come back to the Board with ideas of how best this could be achieved. (does funding need to be provided for this and where from and who from staff will do work?)
- Seminar for Community Board - Board members were informed that this could be arranged through the Democracy Services Unit Manager. Board members felt it was important to know where they stood in trying to be pro-active members of the Board.
- Wainui Sewerage Treatment Plant - Board members were updated on a recent meeting held with the Chairman, staff and the owners of The Gables.
- Okains Bay Museum - request for upgrade of water connections. It was noted this was not a public system.
- Birdlings Flat Public Toilets - Lighting sensors required instead of lights being on a timer all night. Staff were asked to investigate this possibility.
- Akaroa Health Services - It was reported that Julia Ashmore-Price had been engaged to conduct the scoping survey on health services for the Akaroa area.

PART C – DELEGATED DECISIONS

6. CONFIRMATION OF MINUTES

The Board **resolved** that the minutes of the ordinary meeting held on Thursday 18 September 2008 be confirmed, subject to the following alteration:

Item 6 - Elected Members Information Exchange - Le Race - Insert the word "Two" at beginning of sentence, to read "Two Board members had attended"

7. AKAROA MUSEUM ADVISORY COMMITTEE - 25 SEPTEMBER 2008

The Akaroa Museum Advisory Committee at its meeting held on 25 September had made the following recommendations:

- The Committee recommended that staff be requested to include important exhibitions and activities relating to the Museum in media releases.
- The Committee recommended that the gazettal of the Takapuneke Reserve be officially marked on a significant date, and asked that staff comment on this suggestion.

The Board **received** the minutes of the Akaroa Museum Advisory Committee held on 25 September 2008 and endorsed the recommendations made by the Committee:

8. AKAROA DESIGN AND APPEARANCE ADVISORY COMMITTEE - 8 SEPTEMBER 2008

Board members discussed the proposed bus shelter to be situated in Place de la Poste and felt a consultant should be approached to ensure a shelter is built which is suitable for the area.

The Board **received** the minutes of the Akaroa Design and Appearance advisory Committee meeting held on 8 September 2008.

9. RESERVE MANAGEMENT COMMITTEES MEMBERSHIP APPROVAL

The Board considered a report to approve the members (as elected or appointed) to the Reserve Management Committees (RMC'S) at the Triennial Election meeting.

The Board **resolved** that the following persons be approved as members of the Reserve Management Committees listed below:

- | | | |
|--|--|--|
| (a) Ataahua Reserve Management Committee | <ul style="list-style-type: none"> - Tim Pavey - Kim Neal - Christopher Gray - Denis de Pass - Marie Neal | <ul style="list-style-type: none"> - Karen de Pass - Paula Edwards - Nicky Pavey - Dave Kearns |
| (b) Awa-iti Reserve Management Committee | <ul style="list-style-type: none"> - Geoff Etrick - Jonathan Palmer - Graeme Young - Jo Stuart - Bob Cole | <ul style="list-style-type: none"> - George Piper - Liz Thearle - Simon Fowler - Russell Turpin - Sheryl Stanbury |
| (c) Duvauchelle Reserve Management Committee | <ul style="list-style-type: none"> - Dawn Turner - Jacque McAndrew - Marye Miller - Mike Rooney | <ul style="list-style-type: none"> - John Evans - Geoff Carter - Jean Turner |
| (d) Le Bons Bay Reserve Management Committee | <ul style="list-style-type: none"> - Jo Rolley - Andrew Dalglish - Laurie Inwood - Jenny Inwood | <ul style="list-style-type: none"> - Tony Rodgers - Siene de Vries - Ross Ten Hove - Bruce Nicholl |
| (e) Little Akaloa Reserve Management Committee | <ul style="list-style-type: none"> - Gavin Marshall - Russell Brown - Alison Crow - Owen Dew - Ivan Crow | <ul style="list-style-type: none"> - Des Frankish - Jill Waghorn - Robin Waghorn - Rowan Waghorn - Don Sherriff |
| (f) Okains Bay Reserve Management Committee | <ul style="list-style-type: none"> - Richard Boleyn - Sharon Henderson - Richie O'Malley - Peter Thelning - Bob Boughton - Gillian Thacker | <ul style="list-style-type: none"> - Klaus Rexer - Derek Cox - Judy Thacker - John Thacker - Peter Ramsden |
| (g) Pigeon Bay Reserve Management Committee | <ul style="list-style-type: none"> - Brenda Graham - Sylvia McAslan - Megan Wiseman | <ul style="list-style-type: none"> - Arthur Fox - Jocelyn Fox |
| (h) Robinsons Bay Reserve Management Committee | <ul style="list-style-type: none"> - Raywyn Stronach - Sue Lovett - Marian Wilson | <ul style="list-style-type: none"> - Pippa Foley - Richard Lovett - Paddy Stronach |
| (i) Stanley Park Reserve Management Committee | <ul style="list-style-type: none"> - Rod Naish - Kit Grigg - Elizabeth Haylock - Enid Gillanders | <ul style="list-style-type: none"> - Maxine Marron - Laurie Richards - Peter Haylock |

10. STANLEY PARK CLASSIFICATION (CONT'D)

Further to clause 1 (Part A) of this report the Board considered a report seeking the declaration of part of Stanley Park as a reserve for recreation purposes.

The Board **resolved**:

(a) That pursuant to Section 14 of the Reserves Act 1977 the land described in Schedule A below be declared to be a reserve for recreation purposes.

(b) That pursuant to Section 14 of the Reserves Act 1977 the land described in Schedule B below be declared to be a reserve for recreation purposes.

Schedule	Legal Description	Area	Title	Held As	Recommendation	Public Notification
A	RS 41483	0.0249ha	No title	Vested in Christchurch City Council for no particular purpose	Declare to be recreation reserve	Yes
B	Lot 2 DP 344385	0.1431ha	182181	Vested in Christchurch City Council as fee simple for no particular purpose	Declare to be recreation reserve	Yes

11. COMMUNITY BOARDS' CONFERENCE 2008 - BOARD MEMBERS ATTENDANCE

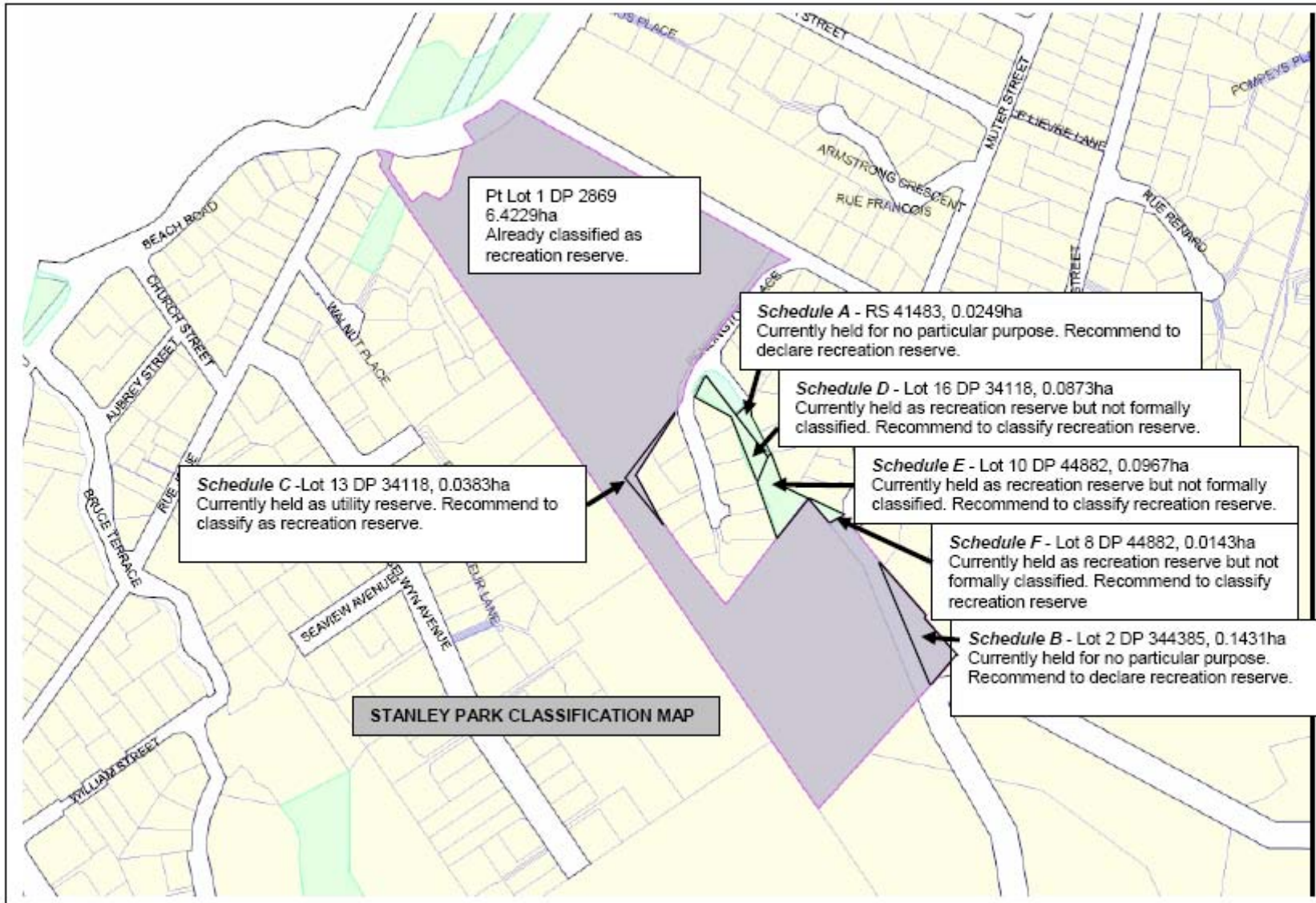
The Board considered a report seeking approval for Board members to attend the 2009 New Zealand Community Boards' Conference.

The Board **resolved** to approve the attendance of all Board members at the New Zealand Community Boards' Conference in Christchurch from 19 to 21 March 2009, and approve funding for accommodation for members from Akaroa.

The meeting concluded at 12:15 pm.

CONFIRMED THIS 20TH DAY OF NOVEMBER 2008

**STEWART MILLER
CHAIRMAN**



Attachment to Clause 1 of
Minutes - 23.10.2008

3. DEPUTATIONS BY APPOINTMENT

3.1 SMOKEFREE CANTERBURY

Martin Witt from the Cancer Society will give a presentation on Smokefree Playgrounds, on behalf of Smokefree Canterbury.

4. PRESENTATION OF PETITIONS

5. NOTICES OF MOTION

6. CORRESPONDENCE

7. DUVAUCHELLE RESERVES MANAGEMENT COMMITTEE MINUTES - 13 OCTOBER 2008

**Meeting of the Duvauchelle Reserves Management Committee
Held at the Duvauchelle Hotel Monday October 13th 2008 at 7.30 p.m.**

Welcome:

Acting Chairman John Evans welcomed everyone to the meeting, especially our new caretakers Ken and Kay Bramley, also visitor Bruce Thomson, from Christchurch City Council.

Present:

Rex and Sally Hart, Ken and Kay Bramley, Marye Miller, Jean Turner , Dawn Turner, John Evans, Geoff Carter, and Jacque McAndrew.

Apologies Sam Farr who was having eye surgery

Motion: That the apologies be accepted

Moved: Dawn **Seconded:** Jacque Carried

Motion:

That the Minutes of the previous meeting having been circulated be taken as read be passed as a true and correct record of the previous meeting. A change has been made to No 3 in the general business section, (suggested by Liz Carter) to now read: Bruce is working hard on the employment contract but reported there are some difficulties as the situation is outside the City Council processes

Moved: Marye **Seconded:** Geoff Carried

Matters arising:

- 1 Craig Allsop has put in the drains and payment as been made direct to Mico as per quote.
 It was mentioned that if an invoice for topsoil comes in it should be queried as there was a load taken away.
- 2 John reported that after a lot of effort he has Telecom organized to go ahead with a cell phone for the caretakers.

Financial Report

Dawn circulated the financial report for August and September, and went through the October expenses. She explained that a term deposit due has been put in the on call account to cover the October payments. She asked if we wanted to continue in the NBO listing. This was agreed to.

Motion

That the financial statements are accepted as presented and expenditure be approved

Moved: Dawn **Seconded:** John Carried

Correspondence

Inward

Sam Farr	Letter of resignation and vacating camp site
Sam and Bridget Farr	Letter of leaving camp and best wishes to Rex and Sally
Texco International	Linen Report
Ministry of Justice	Use of Hall for Elections
Excell Waste Management merger	
Bruce Thomson	Advising Caretaker contract signed
Top of the Harbour	Meeting Minutes
CCC	Community Newsletter
Ken Claydon	Re committee vacancy
EFTPOS	
Downers Petroleum	

Outward

Minutes to Members and CCC

Parekura family giving them permission for building a deck in front of their awning.

3 letters to unsuccessful job applicants, including petrol vouchers of \$30.00 each.

A&L Turnbull advising they are on the waiting list

Motion:

That in Inward correspondence be Accepted and outward approved

Moved: Marye **Seconded:** Jacque Carried

Correspondence Discussion.

- 1 John spoke on the resignation of Sam from the committee and leaving the camp.
Marye to write and thank Sam for all his work.
- 2 John advised that he and Sam had swapped sites. This was according to Rule 1.3 in the Permanent Sites section of the Rules and Policies. Now that Sam has vacated the camp Site 90 with a permanent awning is available.

Caretakers Report

- 1 Sally mentioned that Nangi McFarlanes' site is to be used at Christmas.
Marye to contact Nangi McFarlane's solicitor and Duncan McFarlane advising site fee is overdue.
- 2 Sally advised us that the Burgess' site fees are 2 months overdue.
Marye to write asking if they are still requiring the site.

Health and safety report

- 1 Ablutions block ramps are completed and compliant. Hand rails being bend and Dean Bunn to install them.
- 2 Suggested safety chain bar on mower. John is to contact Neville Miller for help with this.
- 3 Bruce advised us that when the CCC conducts a safety audit of the camp they will provide check lists for playground safety checks.

General Business

- 1 Bruce reported to us that the caretakers are employed by the Christchurch City Council. An automatic payment is to be set up to reimburse council for wages paid to caretakers. He also said he is the link between the camp on council issues. Because the reserves committee is unable to sign contracts the progress on the house has changed. It now has to go to a full city council meeting probably the end of October. The house has to go onto the council asset list and they will sign the contract..
He thanked Sally and Rex for the transition time they spent with Ken and Kay.
He endorsed the good work the committee are doing.

- 2 Marye and Dawn reported on the council induction day at Little River. They were given several handouts including a handbook and a standing orders booklet. It was an informative afternoon showing how the Reserves Committees fit into the big picture of Community Boards and Council. Dawn asked that a letter be sent to Liz Carter with regard to the presentation of information by some of the speakers, i.e. speaking too fast and too softly.
- 3 The position of chairman arose and discussion on who wanted to take on the role. John Evans said he was happy to take on the role.

Motion

That John be nominated for the chairman position

Moved: Geoff Seconded: Marye Carried

Before John can be appointed as Chairman, Community Board approval has to be given.

This being the situation any new committee can not be appointed until we have approval.

Marye to advise Ken Claydon of this situation.

- 4 Jean advised that the lock on the disabled unit was not satisfactory. Bruce will inquire if there is a special type of lock for disabled toilets and will let us know.
- 5 Jean tabled a letter with regard to an insect repellent dispenser. She commented on the number of flies in the kitchen especially in the summer. Sally also mentioned the house had the same problem. After discussion it was decided the camp will independently purchase 3 units. 2 for the kitchen and one for the house. Ken and Kay to look into this and purchase suitable products.
- 6 It was brought up that someone had inquired as to what facilities we had in the hall e.g. Tables etc. but no one was really sure. We will look at this at the next meeting and compile an inventory to be kept at the camp and on file.
- 7 After discussion on the matter that to be able vote for people onto the committee, people must be a registered elector or ratepayer in the ward, e.g. campers are not able to vote committee members on but may be voted on... Geoff mentioned that we need to get more local people involved or the committee may not be able to continue.

Meeting closed at 8.55pm.

Next Meeting 10th November 2008 at 7.30pm. AT THE DUVAUCHELLE HALL

John presented Sally and Rex with a painting of the harbour looking across to Onawe and thanked them for all their time at the camp. They were very happy with their gift. We finished with a drink and chocolate cake.

STAFF RECOMMENDATION

That the Board receive the minutes of the Duvauchelle Reserves Management Committee meeting held on 13 October 2008.

8. AKAROA HARBOUR ISSUES WORKING PARTY MINUTES - 30 SEPTEMBER 2008



Minutes for meeting held at Duvauchelle
on 30th September 2008

Present: Pam Richardson, Derek Cox (DoC), Keith Vogan, Graeme Smith, Jan Cook, Bill Woods, Mike Bourke (CCC), Jenny Bond (ECan), Bruce Clements, John Roe, John McIlroy, Ted Robinson, Bob Ayrey, Sarah Edwards, Tony Rodgers, Anna Paliser (Uni. Otago), Jim Ritchie, Tony Whitely, Tony Rodgers.

The meeting started at 6:33pm.

1. **Welcome:** Bruce Clements welcomed everyone.
2. **Apologies:** Bob Meikle, Rod Naish, Cr Eugenie Sage (ECan), Mike Bourke (for lateness).
Bruce Clements moved the apologies be accepted, Pam Richardson seconded. Carried by all.
3. Bruce Clements moved that the minutes from the meeting of 13th May 2008 were correct. Jim Ritchie seconded, carried by all.
4. **Extended Introductions:** Jenny Bond asked all members of the group to introduce themselves to Sarah Edwards as she will be taking over Jenny's role for the summer months.
5. **(a) Presentation from DoC on Seals:** Derek Cox

DoC is undertaking a study of the diet of New Zealand fur seals found in the Banks Peninsula area. The aim is to collect data during each season by analysing scats taken from two sites: Otanerito Bay and Te Oka Bay. The insoluble remains of fish and squid species are used to estimate the species eaten by the seals.

Results so far indicate that seals are eating mainly high energy oily fish (lantern fish) of no commercial importance. DoC will continue with the survey until the end of this year, probably re-sampling again in a couple of years' time.

The following questions were raised during the presentation:

- Q Are the seals we see up on the rocks in the bay feeding?
A No. Seals swim a long distance offshore (around 80km) to feed. This means they spend about 70% of their time out at sea. The males we see are guarding their territory and may not feed for 3 months. Any that we do see feeding in the bay are likely to be young seals that don't want to expend too much energy to find food.
- Q Could the bones of commercially important fish dissolve in the gut of the seals?
A No. Any bones that may dissolve are likely to be from juvenile fish of any species.

(b) Presentation on ECan's approach to negative boatie behaviour: Tony Whitely, ECan regional harbourmaster and Tony Rodgers, a contracted enforcement officer.

As regional harbourmaster, Tony Whitely's role is to police regional bylaws; six enforcement officers (including Tony Rodgers) are also employed in the region, but as they are not active all the time they need input from the public.

The roles of the enforcement officers are largely as follows:

- To educate water users through the use of signs, pamphlets and talking to them.
- To use punitive measures to tackle larger problems. This can be costly for the council if a case is taken to court, so warning letters are used first, followed by small fines that are more likely to be paid.
- To maintain buoys and use them to mark hazards in the water.
- General maintenance.

Contracted officers spend time on the water and on the shore in order to carry out their duties.

The following questions were raised during the presentation:

Q Do cruise ships pay to berth in the harbour?

A Tony was fairly sure they didn't pay anything to berth in Akaroa. They used to pay dues but this was stopped.

Q Who pays for the harbourmaster/enforcement officers?

A The ratepayer.

Q Is there sufficient signage around all the bays to inform boaties about the rules?

A Jan Cook raised the point that many people are skiing off the beach outside of ski lanes; Tony Whitely confirmed that this is illegal. Jan asked if it would be possible to put up signs in Archdale's Sandy Bay, Brough's Bay and Petite Carnege, but there was a concern that the problem would simply shift to other bays, such as Tikao Bay. Tony Whitely thought that there were plenty of options for skiers in the area and that something did need to be done about the present situation, but it would be important to scope out public opinion before deciding how to proceed. This would be something that the Council would have to do, and may fit in with the review of Council Bylaws coming up next year.

ACTIONS: Jan Cook will write a letter to the harbourmaster highlighting current issues and concerns with skiing in the local bays and the need to review the Council bylaws. Pam Richardson to assist Jan C. Tony Whitely and Tony Rodgers will keep an eye on the three bays mentioned as particularly problematic. Everyone should count the number of people they see skiing illegally and phone the information through to Tony Whitely on ph 03 328 9168 or email tony.whitely@ecan.govt.nz.

Q Who should people ring if they witness a boating emergency?

A The current system is to ring 111; a centralised service will then feed the information through to a local response team. John McIlroy raised the concern that this system is inefficient and could lead to the unnecessary loss of lives.

ACTION: Pam Richardson will contact Christchurch Police regarding the current procedures and report back to the group.

- Q Jenny Bond reminded the group that last year a leaflet on boat/harbour safety had been produced. She asked if they would like to print more copies to be distributed this year.
- A Yes, it would be useful to have them. In light of earlier comments on skiing safety, there should be additional information included on where you can/can't ski.
ACTION: Jenny Bond/ Sarah Edwards will print 1000-1500 amended leaflets depending on costs and bring them along to the next meeting. Note DoC may be able to assist with printing costs.

(c) CCC updates: Mike Bourke

1. Lesley Bolton-Ritchie and Mike Bourke are due to attend a meeting next week and will sort out shellfish signage at that meeting.

2. The Resource Consent for the Akaroa Sewage Treatment Plant has been signed off. The working party for this will meet on 20th October. The Akaroa Water Services working party needs a representative from this group to join it. Bruce Clements and Bob Ayrey put their names forward.

ACTION: Mike Bourke will let the chair of the working party know that Bruce Clements and Bob Ayrey will be attending the first meeting on the 20th October. **Bruce Clements and Bob Ayrey** will report back to the group on the outcomes of the meeting.

3. The Community Board is going to be dealing with the porta loo at Sandy Point.

(d) Tresta Holdings Duvauchelle subdivision: Bob Ayrey and Bruce Clements.

The group's concerns with Tresta's consent application appear to have been resolved: conditions have been attached to the consent and ECan will be monitoring the development.

(e) Other ECan actions: Jenny Bond

1. Graph results of faecal coliform monitoring at Wainui Bay were distributed to the group. It should be noted that the scales on the y-axis of each graph are different, making a direct comparison of the two years more difficult. However, the results do show that shellfish safety limits were exceeded in both years, as 10% of the measurements were >43 coliforms/100ml. These results are highly dependent on rainfall.

2. Sampling for Summer water monitoring will start on December 8th.

ACTION: The ECan summer sampling student (yet to be appointed) will bring the water sampling equipment along to the next meeting.

3. A Stream monitoring information day will be held in either November or February. Scientists at ECan are happy to help out. Pam Richardson and John Thom (volunteered by John McIlroy) have volunteered to help organise the day. Pam thought it would be best to make the session short and hold it at around 4pm in order to ensure maximum attendance. Before planning anything it will be important to contact other groups in order to find out whether or not they would like to be involved.

ACTIONS: Derek Cox will contact DoC; Sarah Edwards will contact Rachel Barker at Banks Peninsula Conservation Trust; Pam Richardson will contact the Community Board.

4. Yvonne MacDonald is now contracted by CCC to deal with the bare land and erosion issues on the Peninsula at Takamatua and has written to the contractor regarding the lack of vegetation on the banks. If anyone sees someone opening up a site without following erosion sediment control measures they should contact Yvonne immediately and she will pursue the matter. A note post the meeting from Jenny Bond: *I have since spoken with Yvonne McDonald and she informs me she is involved with Earthworks consents and has made contact with the contractor for Takamatua West and is chasing them up for a response. If people have concerns about the erosion or sediment control measures on house sites she advised that they contact the CCC building inspectors on 0800 800169.*

ACTION: Jenny Bond will tell Yvonne to expect calls from members of this group. Sarah Edwards will also find out about plans to deal with storm water on the site.

6. **Ngai Tahu:** Pam Richardson

Ngai Tahu have recently been given a resource consent for a subdivision at the old school site; it went ahead on a non-notified basis, but the group is still concerned that discharges from the subdivision will have a negative effect on the harbour. Pam reported to the group that she had recently spoken to a representative at Ngai Tahu about the group's concerns who was surprised that the subdivision may have negative effects and offered to come and talk to the group and discuss the subdivision with them.

ACTION: Pam Richardson will invite a representative from Ngai Tahu to come to the next meeting and give a 15 minute presentation at the beginning of it on the storm water and erosion sediment control plan for the subdivision.

7. **General Business**

Black swans: there are three in the area.

Undaria: no change.

Sea lettuce: no problems.

Noise pollution: problems only seem to be caused by one person with a particularly loud voice.

Draft Report on potential contamination: Sarah Edwards will finish making changes to this report over the summer.

Takamatua Beach: heavy rainfall in July caused about 50-70m of slip out by the wharf; this mud is still preventing access to the beach.

ACTION: Pam Richardson will lodge a request for service from the council (CCC) to clear the slipways of mud at Takamatua.

Next meeting: Tuesday 25th November 2008.

The meeting finished at 9:15 pm.

ENDS

STAFF RECOMMENDATION

That the Board receive the minutes of the Akaroa Harbour Issues Working Party meeting held on 30 September 2008.

9. **COMMUNITY BOARD CODE OF CONDUCT**

General Manager responsible:	General Manager Regulation and Democracy, DDI 941-8549
Officer responsible:	Peter Mitchell
Author:	Peter Mitchell

PURPOSE OF REPORT

1. At the Community Board Chairs and Staff Forum meeting, held on 5 September 2008, the attached draft Community Board Code of Conduct was discussed. **(Attachment A)**.
2. At that meeting it was agreed that a report would be prepared for each Community Board for consideration, and decision, by each Board regarding adoption of the revised Community Board Code of Conduct.

STAFF RECOMMENDATION

It is recommended that the Community Board:

- (a) Adopt the revised Community Board Code of Conduct with immediate effect.

BACKGROUND (THE ISSUES)

3. The Local Government Act 2002 requires that the Council adopt a Code of Conduct. There is no legal requirement for Community Boards to adopt a Code of Conduct.
4. In 2004, subsequent to the Council adopting a Code of Conduct, all 6 Community Boards in the former Christchurch City, and subsequently the 2 Peninsula Community Boards upon reorganisation with Banks Peninsula, adopted a Code of Conduct modelled on that adopted by the Council.
5. That Community Board Code of Conduct has remained in force since that time.

AUDITOR GENERAL REPORT

6. In 2006 the Auditor General carried out a report on Codes of Conduct adopted by Councils.
7. He went on the note:

'Overall, the material including Code meets our expectations. Most Codes contains guidance about the main topics we expect to see covered.'

No Council's Code covers all the topics we mentioned in part 3 of this report. We consider that most Council's could benefit from a review of those topics, to see if any other matters that could easily be added to their own Code when they next review it..... we also consider that some Codes can be more thorough in explanations of:

- *The Local Government Official Information and Meetings Act 1987.*
- *Non Financial Conflicts of Interest.'*

REVIEW OF COUNCIL CODE

8. The Council has now reviewed its own Code of Conduct at its meeting on 24 July 2008 and agreed to adopt an updated Code of Conduct.
9. The Council also resolved in part to:
 - *'Note that all Community Boards have voluntarily agreed to adopt a Code of Conduct similar to that of the Council modified to reflect that it is intended to be used by Community Boards.*
 - *Agrees that its Ethics Subcommittee (including the convenor) can be used by Community Boards where a breach of the Code is alleged in respect of 2 Community Board members.*
 - *Where the Ethics Subcommittee procedure is to be used by a Community Board consideration of the membership of the subcommittee is to be deferred until the Chairpersons consider the matter and staff report back to the Council in September.'*
10. It is considered an appropriate time for the Community Board to review their current Code.
11. The changes in the draft Code attached to this report are primarily editorial and are underlined for ease of reference.
12. Regarding Codes of Conduct Local Government New Zealand has stated:

"Codes of Conduct promote effective working relationships within the local authority and between the local authority and its community. A Code of Conduct should promote free and frank debate, which should in turn promote good decision-making. Codes of Conduct should not be used in a way that stifles debate.

*Provided elected members do not try to present personal views as anything other than that, then they have the right to express their views. Codes of Conduct should provide rules of Conduct that promote debate and make it clear that personal views, and the rights of **all** members to express personal views, must be respected.*

20.11.08

A Code of Conduct sets boundaries on standards of behaviour in expressing and promoting views, and provides means of resolving situations when elected members breach those standards.”

13. While the Local Government Act 2002, obliges the Council to adopt such a Code of Conduct, the Act does not oblige Community Boards to adopt a Code of Conduct. Legally it is a matter of choice for each Board as to whether or not it wishes to adopt a Code of Conduct.

RELATIONSHIP OF CODE TO STANDING ORDERS

14. The Code of Conduct is not the same as a set of standing orders. Standing orders are a set of procedures and other rules for the conduct of meetings. A Code of Conduct covers every aspect of a Community Board member's duties. There are links between the two documents in that standing orders contain provisions for conduct at meetings. The Code is intended primarily for situations outside the formal meeting process.
15. The Code is wider than standing orders and sets out relationships not only between elected members, but also between board members and staff and board members and the public.

CONTENT OF THE CODE

16. The Local Government Act 2002 is not specific on the contents of a Code of Conduct. The only requirement is the general statement that the Code of Conduct must—

“Set out understandings and expectations agreed among members about the manner in which they may conduct themselves or act in their capacities as members, including behaviour towards one another, staff and the public.”

BREACHES OF THE CODE

17. One issue that arose in the consideration of a Code of Conduct is what happens if a Community Board member breaches the Code. The Local Government Act 2002 does not provide any power for the Community Board to impose a sanction on a board member who breaches the Code. The Board's Code provides for a sanctions system where alleged breaches can be dealt with.
18. The Board's system for dealing with breaches is an Ethics Subcommittee and a system which provides for:
 - Specific allegations of a breach as to when and where a particular provision of the Code was breached and that information being available to the person complained of;
 - All parties having a right to be heard on reasonable notice;
 - Parties having the right to be represented by a lawyer;
 - An opportunity for a person to make submissions before an adverse finding is made.
19. A feature of the Ethics Subcommittee is that the Convenor would act as a filter for matters to be referred to the Subcommittee in a similar manner as the Speaker in Parliament.
20. It was also agreed that reference of matters to the Subcommittee should only be considered after there had been informal efforts to resolve the particular matter, and that these informal efforts should be assisted by the Convenor of the Subcommittee.
21. Only if informal efforts to resolve the matter have not been successful, is a Board member then able to refer a matter to the Convenor of the Subcommittee. Even then, the Convenor of the Subcommittee has the ability to decide that a particular matter should not be referred to the Subcommittee on the grounds that the matter is technical or trivial, and does not warrant the fuller attention of the Subcommittee.

20.11.08

22. The actions that the Board may take, upon receipt of a report, could be to require an apology to be made, for the Board to censure a Board member, and/or removal from a Board committee or an outside appointment made by the Board. The law does not give any specific power to the Board to take any steps other than these matters.
23. Board's have previously agreed that in a complaint involving of Community Boards that the Board utilise the Council's Ethics Subcommittee (with its convenor) and that membership of the Subcommittee comprise that Boards, other than the complainant and the person alleged to have breached the Code.

REVISED COMMUNITY BOARDS CODE OF CONDUCT

24. **Attachment A** is a recommended revised Community Board Code of Conduct taking into account the matters addressed by the Auditor General in his report. Changes from the existing Community Board Code of Conduct are underlined.

Christchurch City Council

Attachment A to Clause 9

COMMUNITY BOARD CODE OF CONDUCT

PART 1 — INTRODUCTION

1. This Code of conduct had been adopted by:
 - Akaroa / Wairewa Community Board.
 - Burwood/ Pegasus Community Board.
 - Fendalton/ Waimairi Community Board.
 - Hagley/Ferrymead Community Board.
 - Lyttelton/Mt Herbert Community Board.
 - Riccarton/Wigram Community Board.
 - Shirley/ Papanui Community Board.
 - Spreydon/ Heathcote Community Board.

2. The Code is intended to apply to elected and appointed Community Board members in their dealings with:
 - each other.
 - council officers.
 - the public.
 - the media.

3. Without good working relationships any democratically elected organisation will have difficulty succeeding. No Community Board will be effective unless mutual respect exists between the public, elected members and staff. This Code seeks to facilitate more effective working relationships. Resolution of alleged breaches of the Code is to be made in the interests of the good governance of the Community Boards, not for the personal interests of Community Board members.

4. The objectives of this Code are to enhance:
 - the effectiveness of the Community Boards.
 - the credibility and accountability of the Community Boards within its community.
 - mutual trust, respect and tolerance between Community Board members as a group and between elected and Council officers.

5. This Code of Conduct seeks to achieve its objectives by agreeing upon:
 - general principles of conduct for Community Board members.
 - general standards of behaviour.
 - specific codes of conduct applying to particular circumstances or matters.

6. This Code shall apply to Community Board members acting in their capacity as a Community Board members, and not as private citizens.

7. This Code is based on the following principles of public life:
 - Public interest**
 - Community Board members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.

 - Honesty and integrity**
 - Community Board members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

- Community Board members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Community Board members should also note that, once elected, their primary duty is to the interests of the community.

Accountability

- Community Board members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.

Openness

- Community Board members should be as open as possible about their actions and those of the Community Board, and should be prepared to justify their actions.

Personal judgement

- Community Board members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.

Respect for others

- Community Board members shall not discriminate unlawfully against any person on the grounds of their race, age, religion, gender, sexual orientation, disability or opinions and beliefs. They should treat people with respect and should respect the impartiality and integrity of the Council's staff.

Duty to uphold the law

- Community Board members must uphold the law, and on all occasions, act in accordance with the trust the public places in them.

Stewardship

- Community Board members collectively must ensure that the community uses resources prudently and for lawful purposes.

Leadership

- Community Board members should promote and support these principles by example, and should always endeavour to act collectively in the best interests of the community.

Confidentiality

- Community Board members shall respect the confidentiality of any confidential information they may receive.

8. Attached as **Appendix 1** is a summary of the legislative requirements that have some bearing on the duties and conduct of Community Board members that have not already been referred to in this code.

PART 2 — BEHAVIOUR AND RELATIONSHIPS

Relationships with Other Community Board Members

9. Community Board members will conduct their dealings with each other in ways that:
 - maintain public confidence in the office to which they have been elected.
 - are open and honest.
 - focus on issues rather than personalities.
 - avoid aggressive, offensive or abusive conduct.
10. Community Board members shall maintain the respect and dignity of their office in their dealings with each other, Councillors, Council staff and the public.
11. Community Board members will act in good faith (ie, honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community.
12. Community Board members should remember that they have no personal power to commit the Council, including a Community Board, to any particular policy, course of action, or expenditure and must not represent they have such authority.
13. Community Board members will make no allegations regarding other elected members or Council officers which are improper or derogatory.
14. In the performance of their official duties, Community Board members should refrain from any form of behaviour which may cause any reasonable person unwarranted offence or embarrassment.

Relationships with Staff

15. The effective performance of the Council also requires a high level of cooperation and mutual respect between Community Board members and staff. To ensure that level of cooperation and trust is maintained Community Board members will:
 - recognise that the Chief Executive is the employer (on behalf of the Council) of all Council employees, and as such only the Chief Executive may hire, dismiss, instruct or censure an employee.
 - avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee.
 - make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times.
 - treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees).
 - observe any guidelines that the Chief Executive puts in place regarding contact with employees.
 - respect the role of Council officers in providing professional advice, including not do anything which compromises, or could be seen as compromising, the impartiality of the professional advice of an officer.
 - raise concerns about employees with the Chief Executive. Concerns about the Chief Executive should be raised in the first instance with the Mayor.
 - raise concerns regarding the quality of a report with the Chief Executive before the meeting at which the report is to be considered takes place.
16. Community Board members should be aware that failure to observe this portion of the Code of Conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanction.
17. A Community Board member may, on behalf of themselves, a member of staff or a member of the public, initiate the procedures set out in Part 3 (Breaches of the Code) of this Code.

Relationships with the Community

18. Effective Community Board decision-making depends on productive relationships between Community Board members and the community at large.
19. Community Board members should ensure that individual citizens are accorded respect in their dealings with the Community Board and Council, have their concerns listened to, and decisions are deliberated on in accordance with the requirements of the Local Government Act 2002 and other relevant statutes. Community Board members should act in a manner that encourages and values community involvement in local democracy.

Gifts and Hospitality/Expenses

20. A person in a position of trust, such as a Community Board member, should not make a profit through his or her office.
21. There is legislation in the Crimes Act 1961 and the Secret Commissions Act 1910 which deals with corruption and the obtaining of gifts as an inducement or reward for acts in relation to the Council's affairs. Gifts can include discounts, commissions, bonus or deductions.
22. Acceptance of gifts, services or hospitality may be considered as a bribe or perceived as undue influence. The offer and/or receipt of gifts, including special occasion goodwill gifts, may be reported to the Council Secretary.
23. Gifts, working lunches and social occasions should be received and undertaken with a recognition of the public perception regarding undue influence on Community Board members.

Use of Council Facilities and Services

24. Transport provided by the Council for the use of a Community Board member must only be used for Community Board purposes.
25. Council resources such as stationery or secretarial services must only be used for Community Board purposes and cannot be used for personal purposes (including election campaigning).

Financial and Non Pecuniary Interests

Conflicts of interest and the law about bias

26. A conflict of interest exists where two different interests intersect; in other words, where your responsibilities as a Community Board member could be affected by some other separate interest or duty that you may have in relation to a particular matter. That other interest or duty might exist because of:
 - your own financial affairs.
 - a relationship or role that you have.
 - something you have said or done.
27. The common law requires that public decision-making be procedurally fair. In particular, conflicts of interest are usually dealt with under the rule about bias. The law about bias exists to ensure that people with the power to make decisions affecting the rights and obligations of others carry out their duties fairly and free from bias. It is summed up in the saying "no one may be judge in their own cause".
28. Another way of expressing the issue is:
 - Would a reasonable, informed observer think that your impartiality might have been affected?
29. The law about bias originally applied to judicial proceedings, but over the years has been extended to a wide range of decision-makers who exercise public functions that can affect the rights or interests of others. The law applies to members of Community Boards.
30. The law applies differently to pecuniary (that is, financial) and non-pecuniary conflicts of interest. When you are considering whether to participate in a Board's decision-making processes about a particular matter, you need to consider the potential for both types of conflict of interest. Different rules apply to each type.

Pecuniary interests: The Local Authorities (Members' Interests) Act 1968

31. The Act deals with that part of the rule against bias as it applies to the pecuniary interests of members of Community Boards. The Act:
 - controls the making of contracts worth more than \$25,000 in a financial year between Board members and the Council; and
 - prevents Board members from participating in matters before a Board in which they have a pecuniary interest, other than an interest in common with the public.
32. The Act applies to members of city councils, district councils, regional councils, Community Boards, tertiary institutions, and a range of other public bodies.
33. The Act regulates the actions of individual members of Community Boards, not the actions of the Boards.
34. Board members, not Boards, may be prosecuted for breaches of the Act. The Act also applies to members of committees of Community Boards.

Non-Pecuniary Conflicts of Interest: The rule against bias

35. If a person challenges a Community Board's decision by way of judicial review proceedings, the courts could invalidate the Board's decision because of bias on the part of a member of the decision-making body. The question a Community Board members needs to consider, drawn from case law, is:
 - Is there a real danger of bias on the part of a member of the Community Board in the sense that he or she might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration? It is the appearance of bias, not proof of actual bias, that is important.
36. The law about bias does not put a Board member at risk of personal liability. Instead, the validity of the Board's decision could be at risk.

Contact with the Media regarding Council and Committee Decisions

37. The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of the Community Board. From time to time, individual Community Board members will be approached to comment on a particular issue either on behalf of the Community Board, or as a Community Board member in his or her own right. This part of the Code deals with the rights and duties of Community Board members when speaking to the media on behalf of the Community Board, or in their own right.
38. Generally:
 - Media comments must observe the requirements of the Code of Conduct.
 - Community Board Chairs are authorised to make statements accurately reporting matters and decisions coming within the terms of reference of their Community Boards.
 - The Chief Executive is authorised to make statements relating to any of the areas for which the Chief Executive has statutory or management responsibility.
39. Public statements representing Community Boards or reporting decisions of the Community Board will be made with the specific or general authority of the Community Board, and will clearly state the person's authority for making the statement on behalf of the Community Board.
40. Otherwise, a Community Board member, Chief Executive or officer may make specific statements on behalf of the Community Board only with the specific authority of the relevant Community Board.
41. Community Board members are entitled to make public statements expressing their opinion on matters before the Community Board. All such statements should clearly state that they represent the personal opinion of the Community Board member and are not made on behalf of the Community Board.
42. Public statements by Community Board Chairpersons on an item before the Community Board should reflect the majority view of the Board. The Chairperson may make clearly identified personal statements if the Chairperson disagrees with the majority view of the Board.

43. Within the limits imposed by Standing Orders, at any meeting of the Community Board (or at any committee), every Community Board member (who has the right to speak at the meeting) has the right to express his or her opinion on any matter lawfully before the meeting. Once a matter has been decided at a meeting of the Community Board, that decision establishes the Community Board's position on that matter until it is lawfully changed by a subsequent decision of the Board.

Disclosure of Information

44. In the course of their duties Community Board members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.
45. Community Board members must not use or disclose confidential information for any purpose other than the purpose of debate at meetings for which the information was supplied to the Community Board members. Such confidential information includes all information in the Public Excluded section of an agenda for any meeting.
46. Community Board members should be aware that failure to observe these provisions will impede the performance of the Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose the Council to sanction under the Privacy Act 1993 and/or civil litigation.

Bankruptcy

47. Under the Local Government Act 2002 the Council must consider whether Board members should be required to declare whether a Community Board member or a newly elected Community Board member is an undischarged bankrupt.
48. The Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgement in general.
49. The Council requires Community Board members who are declared bankrupt, and a newly elected Community Board member who is an undischarged bankrupt, to notify the Chief Executive as soon as practicable after being declared bankrupt or being elected to the Community Board, as the case may be. The Chief Executive shall advise the Council at its next ordinary meeting.

Role of Community Board Members

50. Attached as Appendix 2 are the roles and responsibilities for the Community Board.

Alleged breaches of this Code during meetings

51. It is expected that compliance with the provisions of this Code during a meeting shall be dealt with by the Chairperson of that meeting within Standing Orders at the time the breach arises. Community Board members should raise alleged breaches of the Code with the Chairperson at the time. If a Board member believes that an alleged breach of the Code has not been dealt with adequately by the Chairperson at a meeting, that Board member may initiate the procedures set out in Part 3 of this Code.

PART 3 —BREACHES OF THE CODE AND ETHICS SUBCOMMITTEE

Process for an alleged breach

52. If a Community Board member believes that this Code has been breached, that Board member must first endeavour to resolve the matter informally by discussion with the Board member alleged to have breached the Code.
53. If that informal resolution is unsuccessful, the Board member alleging the breach may raise an alleged breach of the Code with the Convenor of the Council's Ethics Subcommittee in writing at the earliest opportunity (and not later than one month after the date of the incident giving rise to the allegation). An allegation of breach of the Code must set out the particular provisions of the Code alleged to have been breached and the facts supporting the alleged breach so as to give the person against whom it is made a full opportunity to respond to it.
54. Any Board member raising a matter of breach of the Code which involves another Board member must also, as soon as reasonably practicable after raising the alleged reach with the Convenor, forward to that other Board member a copy of the matter that has been raised with the Convenor.
55. A Board member who made an allegation of an alleged breach of the Code can withdraw that allegation at any time and no further steps shall be taken by the Convenor or the Ethics Subcommittee in respect of that complaint.
56. The Convenor of the Subcommittee shall consider a matter of breach of the Code referred to that person and shall determine if a question of breach of the Code is involved. In considering if a question of breach is involved, the Convenor shall take account of the degree of importance of the matter which has been raised. The Convenor may consult with such persons as that person considers appropriate. No question of breach is involved if, in the opinion of the Convenor, the matter is technical or trivial and does not warrant the fuller attention of the Subcommittee. A decision not to refer a matter to the Subcommittee shall not be reported to the Council.
57. Community Board members should not publicly release a copy of the information provided to the Convenor of the Subcommittee before a decision has been made by the Convenor as to whether the allegation is to proceed to the Subcommittee.
58. If the Convenor considers that a matter involves a question of breach of the Code which warrants referral to the Subcommittee, and if the Convenor is satisfied that informal efforts to resolve the matter have not succeeded, then the matter shall be reported to the Subcommittee. Before reference to the Subcommittee the Convenor will first inform the Board member alleging the breach and the Board member against whom the allegation is made, that it is intended to refer the matter to the Subcommittee.

Ethics Sub Committee

59. This Subcommittee will be constituted at the first meeting of the Council following a triennial election. With respect to complaints involving Community Board members it will consist of Community Board members drawn from the Community Board involved in the complaint.
60. One member (who shall be the Convenor of the Subcommittee) shall be a person with dispute resolution skills and who is not a Councillor. All members of the Committee (including the Convenor) shall have one vote. The Convenor of the Subcommittee will not have a casting vote. A quorum for meetings of the Subcommittee shall be three.

Procedure for the Ethics Sub Committee

61. The Council expects that any hearing by the Subcommittee is to be conducted without the public being present.
62. Any Board member who makes an allegation of breach of the Code, or who is the subject of such an allegation, may not serve on the Subcommittee considering that allegation.

63. The Subcommittee shall consider and report to the Board on any matters referred to it by the Convenor. The Subcommittee shall regulate its own procedure regarding the conduct of its inquiry into such a matter.

Responses and Breaches

64. The exact nature of the action a Community Board may take for a breach of the Code depends on the nature of the breach and whether there are statutory provisions for dealing with the breach.
65. If there are statutory provisions the breach will be addressed in accordance with those statutory provisions. The Board may refer the matter to the relevant body.
66. Where there are no statutory provisions, the Board may take the following action:
- require a public or private apology to be made
 - censure
 - removal from a Board committee or outside appointment
67. A decision to apply one or more of these actions requires a Board resolution.

This is a summary of the legislative requirements that have some bearing on the duties and conduct of Community Board members that have not already been referred to in this code.

~~LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968~~

- ~~1. This Act regulates situations where a member's personal interests impinge, or could be seen as impinging on their duties as an elected member.~~
- ~~2. The Act provides that an elected member is disqualified from office if that member is "concerned or interested" (as that phrase is defined in s.3(1) of the Local Authority (Members' Interests) Act 1968) in contracts under which payments made by or on behalf of the Council exceed \$25,000 in any financial year.~~
- ~~3. Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the member's spouse contracts with the authority or has a pecuniary interest.~~
- ~~4. Members may also contact the Audit Office for guidance as to whether that member has a pecuniary interest, and if so, may seek an exemption to allow that member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The chief executive must also seek approval from the Audit Office for contractual payments to members, their spouses or their companies that exceed the \$25,000 annual limit.~~
- ~~5. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members; Interests) Act 1968. In the event of a conviction elected members can be ousted from office.~~

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 ("LGOIMA") **Official Information**

6. LGOIMA contains rules relating to the disclosure of information held by a local authority to the public on request. The underlying principle of the Act is that information should be made available unless there is good reason to withhold disclosure. There are a number of grounds for withholding disclosure, principally contained in s.7 of the Act. The Act provides for a Council decision to withhold information to be reviewed by an Ombudsman who makes a recommendation back to the Council.
7. ~~The obligations of LGOIMA are binding on Community Board members and apply to the disclosure of information by a Councillor in respect of any information held by that Councillor (in his or her capacity as a Councillor) to a member of the public.~~

Meetings

8. LGOIMA also regulates and sets out the procedural requirements for meetings of local authorities (including territorial authorities), the publication of agenda, procedures for discussion with the public excluded and access by the public to the minutes of meetings. The Act provides that generally meetings of the Community Boards are open to the public unless the meeting has resolved to exclude the public from a part of the meeting. There are limited grounds on which the public can be excluded from a meeting.
9. These grounds to exclude the public are similar to the grounds to withhold information. These include privacy, carrying out commercial activities or commercial negotiations, and taking legal advice.

SECRET COMMISSIONS ACT 1910

10. It is unlawful for Community Board members to advise anyone to enter into a contract with a third person and receive a gift or reward from that third person as a result, or to present false receipts to the Council.
11. If convicted of any offence under this Act a person can be imprisoned for up to 2 years, or fined up to \$1000, or both. A conviction triggers the disqualification provisions in the Local Government Act 2002 and result in automatic disqualification of the Community Board members from office.

CRIMES ACT 1961

12. It is unlawful for Community Board members (or officer) to:

- Accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Council
- Use information gained in the course of the Community Board members' duties for monetary gain or advantage by the Community Board members, or any other person
- These offences are punishable by a term of imprisonment of 7 years or more. Community Board members convicted of these offences will also be automatically disqualified from office.

SECURITIES ACT 1978

13. The Securities Act places Community Board members in the same position as company directors whenever the Council offers shares in a company to the public. Community Board members may be personally liable if investment documents, such as a prospectus, contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

The Role of the Community Board

Background

- 4.1 Community Boards are established by the Local Government Act to perform such functions and duties, and exercise such powers as delegated by the territorial authority.
- 4.2 A community board---
 - (a) is an unincorporated body; and
 - (b) is not a local authority; and
 - (c) is not a committee of the relevant territorial authority.
- 4.3 The role of a community board is to---
 - (a) represent, and act as an advocate for, the interests of its community; and
 - (b) consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board; and
 - (c) maintain an overview of services provided by the territorial authority within the community; and
 - (d) prepare an annual submission to the territorial authority for expenditure within the community; and
 - (e) communicate with community organisations and special interest groups within the community; and
 - (f) undertake any other responsibilities that are delegated to it by the territorial authority.

Generic Role Responsibility Template – Community Board Chair

PURPOSE OF ROLE

To co-ordinate, lead and direct the business of the Community Board in a manner consistent with the powers delegated by Council.

SPECIFIC ACCOUNTABILITIES INCLUDE:

1. To oversee, co-ordinate and direct all activities of the Community Board within its specific terms of reference and delegated authorities, providing guidance and direction to Board members, calling meetings, and liaising with Board members and Council officials / management in setting the content and priorities of meeting agendas.
2. To speak on behalf of the Community Board and act as an advocate for it, including managing relationship with the media and representing the Community Board on Council Committees, Community organisations and at meetings with external parties and the public.
3. To establish community consultation processes by scheduling, planning and chairing public meetings to seek input into Community issues and Council's planning and strategy development processes.
4. To report to Council, or its Committees, on local community issues, the recommendations and work the being undertaken by the Community Board.
5. To preside over Board meetings, ensuring that the members carry out business in an orderly manner, and enforcing standing orders as required.
6. To participate in Council Standing Committees / sub-committees (as required) by being fully prepared and up to date on issues under consideration.
7. To represent Council and local community interests as an appointed member of external committees, agencies or boards as required.
8. To ensure effective and efficient communications and co-ordination between Council, Council Committees / Officials and Community Board Members, and between members of the public and Council.

The Role of the Community Board Member

The role of the Community Board member is similar to that of a Councillor. A key element of the Community Board member role is the function it performs as a conduit between the community and Council.

Generic Role Responsibility Template – Community Board Member

PURPOSE OF ROLE

To represent local community interests, contributing to its ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment, and the prudent management of the communities' financial resources.

SPECIFIC ACCOUNTABILITIES INCLUDE:

1. To consult with members of the public, local police, education providers and other community stakeholders to develop a sound understanding of the diverse issues facing the Community and to obtain their perspectives on the development and of Council strategies and plans.
2. To co-ordinate and assist in the running of public meetings in order that the local community is able to have provide feedback and input into the strategies and plans of Council.
3. To represent Council as an appointed member of external committees / agencies / boards as required.
4. To support the Council, the Community Board Chair and fellow Board members in the promotion of the total community.
5. To develop positive working relationships with fellow Board members and Council Officials / Managers to ensure effective community representation.
6. To develop positive working relationships with counterparts in neighbouring local authorities and/or Community Boards, identifying opportunities for community / economic development and joint benefit.
7. To be accessible to the community, assisting them to resolve problems by directing them to the appropriate Council official and following up as appropriate.

10. AKAROA HARBOUR BASIN SETTLEMENTS STUDY - ENDORSEMENT OF PREFERRED OPTIONS FOR CONSULTATION

General Manager responsible:	Mike Theelen, General Manager Strategy & Planning, DDI 941-8177
Officer responsible:	Carolyn Ingles, Liveable City Programme Manager
Author:	Carolyn Bonis

PURPOSE OF REPORT

1. This report (including attachments) outlines the issues and options to inform long-term strategic planning for the eight settlements of the Akaroa Harbour Basin (Wainui, Tikao Bay, French Farm, Barrys Bay, Duvauchelle, Robinsons Bay, Takamatua and Akaroa).
2. In particular, the report identifies:
 - (a) the issues which have been agreed through public consultation processes in November 2007; and
 - (b) the options that have been subsequently identified and evaluated for their potential to address the issues. Due to the broad scope of the study, options are expressed as future potential 'work programmes', rather than being a detailed analysis of alternative growth areas. These options provide long-term direction to the type of Council-initiated work that may need to be planned for through LTCCP processes in order to address settlement planning issues.
3. Preferred work programme options are indicated, along with a recommendation that the options be supported by the Board for adoption by the Council, for public consultation in early 2009.

EXECUTIVE SUMMARY

Study Scope

4. The brief of work for the Settlements Study focuses on addressing strategic issues facing the urban settlements of the Akaroa Harbour Basin and contributes to achieving the wider outcome of strong and sustainable communities and settlements over the next 20 – 30 years (refer **Attachment 2**). The project focuses on the eight settlements in the harbour basin which currently have some urban zoning (refer map: **Attachment 1**):

Akaroa	Barrys Bay
Takamatua	French Farm
Robinsons Bay	Tikao Bay
Duvauchelle	Wainui

Study Process

5. The Study has followed the following process:

• Release of 'Identifying the Issues' discussion document	October 2007
• Public consultation on the issues	November 2007
• Commissioning of technical reports to fill information gaps	late 2007 – mid 2008
• Final 'Statement of Issues' released	June 2008
• Mapping of constraints and opportunities ('sieve mapping')	September 2008
• Options identified for potential work programmes	July – October 2008
• Key Outcomes identified (refer Attachment 2)	October 2008
• Assessment criteria identified	October 2008
• Options evaluation completed	October 2008

Key findings

6. Eighty-nine issues (ranging from locality-specific to harbour-wide) have been identified, covering:
 - Natural Environment (including coastal issues, landscapes, freshwater resources, climate change, slope stability);
 - Social Environment (including historic character, population, community facilities);
 - Physical Environment (including water, wastewater, stormwater, transport);
 - Economic Environment (including housing affordability, business growth, tourism); and
 - Subdivision, Land use, Managing Urban Change (including settlement patterns, capacity for urban growth).

7. Results of mapping known constraints and opportunities ('sieve mapping') show that Wainui displays the best potential for settlement consolidation, followed by Duvauchelle and the Takamatua/Akaroa area. These four settlements are likely to experience growth pressures over coming years. French Farm, Robinsons Bay and the upper valleys of Duvauchelle show greater long-term suitability for rural-residential development. Further investigation of these areas would require an expansion of the study areas beyond those analysed in this report.
8. To address the issues, Council staff identified and evaluated a range of options for future work programmes. This evaluation has identified:
- options which are important to pursue and are higher priority, for incorporation in an Implementation Plan to be developed following community consultation in 2009. These become the 'preferred options' and reflect a proposed work programme, to be given effect through future LTCCP budgets;
 - options which would be 'nice to do'; and
 - options which did not score well and are recommended not be pursued at this stage.
- Refer **Attachment 3** for further detail on the issues, the options and their relative priorities.

Preferred Options for Consultation

9. Two comprehensive workstreams have scored highly in the evaluation process. These are:
- Detailed planning studies for Wainui, Duvauchelle and Akaroa/Takamatua to enable the Council to be proactive in terms of managing anticipated long-term residential demand, while protecting and enhancing key elements of the natural, social, physical and economic environment; and
 - A 'Places and Spaces Plan' for Akaroa to provide direction for the future management of the public areas of the town and ensure that these reflect historic and community values.
10. A number of other high-ranking options have been identified which would accompany or extend current Council work programmes.
11. The following table provides a brief summary of the scope of work addressed by the preferred options. The full text of these options is provided in **Attachment 3** and a more comprehensive summary is given in Table 4 of this report. Final preferred options and work programmes will be determined following community consultation in early 2009 and the study outputs will include an Implementation Plan to set out the timing for the final agreed work programmes.

Table 1: Preferred Options for Consultation

Comprehensive Workstreams
<p><i>Detailed planning studies</i> Develop detailed plans for Wainui, Duvauchelle, and Akaroa/Takamatua, to be proactive in terms of anticipated long-term residential demand in the harbour basin. Such plans will include public consultation and will consider and/or specify matters related to:</p> <ul style="list-style-type: none"> • The Natural Environment (eg rural character, flooding, climate change) • The Social Environment (eg population, community facilities, historic sites) • Infrastructure (eg pedestrian linkages, water and wastewater, internet availability) • The Economic Environment (eg commercial centre development), and • Managing Urban Change(eg settlement form, areas for intensification, staging of development) as relevant.
<p><i>Akaroa Places and Spaces Plan</i> Develop an Akaroa 'Places and Spaces' Plan that provides guidance for the future direction and management of public sites and areas in Akaroa, and which includes guidelines regarding matters such as traffic and parking management, public works, tourist facilities and the BP Meats site, to ensure that these reflect the local history, character and environment while ensuring safety and efficiency of movement:</p>
Other top ranking options (in no particular order)
<p><i>District Plan</i> – investigate amendments concerning:</p> <ul style="list-style-type: none"> • Integration of transport and land use planning • Heritage and/or cultural landscapes • Flexibility of allotment and dwelling size • Preferred form of long-term growth • Urban design for stormwater • Business growth • Rural-residential development

<p>Water</p> <ul style="list-style-type: none"> • Research spring and stream flows; • Undertake hydrological modelling to investigate flooding potential.
<p>Soil</p> <ul style="list-style-type: none"> • Increase awareness regarding local ground conditions and best practice to reduce erosion
<p>Wastewater</p> <ul style="list-style-type: none"> • Research effects of clustering septic tanks – options and costings
<p>Stormwater / inundation – investigate and address:</p> <ul style="list-style-type: none"> • Locations susceptible to fast stormwater runoff • Locations likely to experience inundation (sea level rise, coastal erosion, storm surge) • A stormwater infrastructure inventory • Consultation processes with runanga over any new stormwater systems
<p>Transport</p> <ul style="list-style-type: none"> • Address State Highway and arterial road issues regarding safety and land use integration. • Determine locations for roadside stopping points: short term parking, interpretation signage • Maintain safe transport corridor for locations where roads are likely to erode with future sea level rise / storm surge events.
<p>Recreation</p> <ul style="list-style-type: none"> • Assess and prioritise new walkways • Determine and plan for pressures on coastal recreational infrastructure • Determine supply and demand for recreational facilities
<p>Community services and facilities</p> <ul style="list-style-type: none"> • Audit voluntary / medical / emergency services and community facilities to meet long-term peak populations
<p>Sustainable communities – general</p> <ul style="list-style-type: none"> • Support Green Globe certification for the harbour basin
<p>Tourism</p> <ul style="list-style-type: none"> • Support tourism liaison group to include representatives from local community
<p>Heritage</p> <ul style="list-style-type: none"> • Identify heritage buildings coming under development pressure, and range of retention mechanisms.

FINANCIAL IMPLICATIONS

12. There are no immediate financial implications resulting from the Settlements Study, although the higher priority options will require future identification within LTCCP budgets.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

13. This Study was identified as a project in the current LTCCP and its outcomes aim to inform the development of future LTCCP budgets.

LEGAL CONSIDERATIONS

14. The Settlements Study takes into consideration the requirements of the Local Government Act 2002 and the Resource Management Act 1991 through the development of evaluation criteria. This ensures that higher priority options are in accordance with legal requirements.

Have you considered the legal implications of the issue under consideration?

15. Yes, as above. As the Council gives effect to the higher priority options there will be additional legal implications, particularly in relation to any District Plan changes under the Resource Management Act 1991. The work undertaken to gather and analyse relevant information will go some way toward satisfying future Section 32 requirements.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

16. Where existing Activity Management Plans address existing issues, this has been picked up in the Status Quo section of **Attachment 3**. The Study will likely inform future Activity Management Plans across various Council units.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

17. This Study was identified as a service in the current LTCCP and its outcomes will inform the development of future LTCCP budgets.

ALIGNMENT WITH STRATEGIES

18. The Settlements Study takes into consideration the various Council strategies that apply to Banks Peninsula through the development of evaluation criteria (for example, Biodiversity Strategy, Social Housing Strategy, Sustainable Energy Strategy). This ensures that higher priority options do not conflict with existing strategies and their associated implementation plans.

Do the recommendations align with the Council's strategies?

19. Yes, as above.

CONSULTATION FULFILMENT

20. An extensive consultation exercise was conducted in November 2007 to inform identification of the issues within the eight settlements of the harbour basin – refer paragraph 5 above. Further consultation on the identified options is planned to commence in 2009.

STAFF RECOMMENDATION

That the Akaroa/Wairewa Community Board approve the issues and options for public consultation on the Akaroa Harbour Basin Settlements Study.

BACKGROUND AND DISCUSSION

Origins of Study

21. The Akaroa Harbour Basin Settlements Study was initiated in early 2007 in response to both:
- calls from the community for a 'town plan' for Akaroa; and
 - budget provision for a 'Greater Akaroa Community Plan'.
22. The brief of work for the Settlements Study focuses on addressing strategic issues facing the existing urban settlements of the Akaroa Harbour Basin and contributes to achieving the wider outcome of 'strong and sustainable communities and settlements of the Akaroa Harbour Basin over the next 20 – 30 years'. The focus for the project is upon those areas with urban zoning within the following settlements:
- | | |
|---------------|-------------|
| Akaroa | Barrys Bay |
| Takamatua | French Farm |
| Robinsons Bay | Tikao Bay |
| Duvauchelle | Wainui |
23. Many of these settlements comprise non-contiguous pockets of residential activity, separated by rural zoning. Eight study areas have been delineated, principally by way of a 500 metre distance from urban zoning, but adjusted to recognise ridgelines, contour lines, waterways, and property boundaries. Refer **Attachment 1**.

Identifying the Issues

24. A discussion document 'Identifying the Issues' was prepared and released in October 2007, including via the Study website: www.ccc.govt.nz/AreaPlans/AkaroaHarbourBasin. The issues identified in the discussion document are comprehensive in order to obtain the most complete understanding possible of planning-related issues. The issues are wide in scope, covering:
- Natural Environment (including coastal issues, landscapes, freshwater resources, climate change, slope stability etc);
 - Social Environment (including historic character, population, community facilities);
 - Physical Environment (including water, wastewater, stormwater, transport);
 - Economic Environment (including housing affordability, business growth, tourism); and
 - Subdivision, Land use, Managing Urban Change (including settlement patterns, capacity for urban growth).

Public Consultation

25. During the consultation period (October/November 2007), public meetings were held in Wainui, Duvauchelle and Christchurch, with an 'open house' held in Akaroa. Staff also met separately with local runanga representatives via Mahaanui Kurataio Ltd. A consultation report was prepared in May 2008 which explains the consultation process and provides a summary of 'high-frequency' responses. This report is available on the Study website.

Technical Reports

26. Several significant information gaps were identified during the process of preparing the discussion document and experts were commissioned to prepare technical reports on the following subject areas:
- Landslide susceptibility;
 - Coastal erosion and inundation;
 - Historical flooding;
 - Real Estate Market; and
 - Business Land Supply.
27. A further piece of work is currently in train to identify the 'tourism carrying capacity' of Akaroa, with this work likely to be finalised in early 2009. While this will not directly inform the issues and options identified through the Settlements Study, it will enable the Council to respond appropriately to tourism pressures, particularly those anticipated during summer when cruise ships visit the town.

Final Statement of Issues

28. Following receipt of the technical reports and analysis of public feedback, the issues were amended with a final Statement of Issues released in June 2008. The issues are set out in Attachment 3 which also covers the options assessment as explained further below.

Sieve Mapping

29. The information obtained through the various technical reports has been mapped, along with other information available to the Council. A report titled 'Sieve Mapping Report - Constraints and Opportunities' has been prepared. This uses mapped information to build up a number of geographical layers to produce a visual representation of areas that show less (or more) potential for future settlement growth. While there is no current intent to encourage growth of any of the harbour basin settlements, the report helps to inform proactive growth management priorities.
30. A summary of the overall potential for the consolidation of each settlement (by way of infill and/or minor expansion) is outlined in the table below. It is preferable that any future settlement growth would lead to a more consolidated urban form by 'linking up' existing areas of residential zoning where possible.

Table 2: Consolidation potential for each settlement

Settlement	Potential for infill	Potential for expansion/ connecting*
Wainui	High	High
Tikao Bay	None	Very low
French Farm	None	Low
Barrys Bay	None	Low
Duvauchelle	High	Moderate
Robinsons Bay	High	Low
Takamatua	Very low	Moderate
Akaroa	Moderate	Low

*Considers both the potential for the expansion of existing urban zones, as well as the potential for such expansion to connect existing pockets of urban zoning.

31. Table 2 shows that Wainui displays the best potential for settlement consolidation, followed by Duvauchelle and Takamatua. These settlements are likely to experience growth pressures over coming years. French Farm, Robinsons Bay and the upper valleys of Duvauchelle show greater long-term suitability for rural-residential development. Further investigation of these areas would require an expansion of the study areas beyond those analysed in this report.

Key Outcomes

32. Staff have identified several key 'anticipated outcomes' of the Study. These provide a framework for understanding the range of issues and options and also clarify the Council's intent for managing the harbour basin settlements. **Attachment 2** shows the link between these eight outcomes and the various issues and options.

Identifying the Options

33. Eighty-nine issues (ranging from locality-specific to harbour-wide in scope) have been identified across a broad range of subjects including climate change impacts, business land supply shortages, decreasing percentage of permanently occupied houses and infrastructural constraints. The issues are shown in **Attachment 3** under a yellow heading. The range of options is similarly broad in scope.
34. The initial step in identifying options was to understand what is already being undertaken in the harbour basin to address the various issues. These have been identified as 'Status Quo' in **Attachment 3**, under an orange heading.
35. The options to supplement existing Status Quo initiatives are general in nature, in that they focus on future work programmes where more detailed studies may be undertaken. For example, new options include amending the District Plan in various ways, undertaking detailed planning studies for several settlements, preparing a 'Places and Spaces Plan' for the publicly-owned land in Akaroa, as well as a number of issue-specific initiatives. The options do not provide a detailed assessment of alternative growth nodes/localities but rather provide long-term direction to the type of Council-initiated work that may need to be planned for through LTCCP processes, in order to address settlement planning issues.

Identifying the Assessment Criteria

36. The study addresses the Council's responsibilities under the Local Government Act 2002 and the Resource Management Act 1991, and its outcomes need to be consistent with or reflect the Council's adopted strategies as well as stated community views. To ensure that options achieve these requirements and enable a transparent evaluation process, a comprehensive

range of assessment criteria has been formulated. Criteria cover the matters identified in Table 3 below.

Table 3: Criteria Grouping

Local Government Act 2002	General (four well-beings)
	Requirements in relation to decisions
	Consistency
Resource Management Act 1991	Purpose and principles
	Council functions
	Consideration of alternatives, benefits and costs
Government policy	National policy statements and plans
Regional policy	Regional policy statements and plans
CCC	Strategic Directions
	Community Outcomes
	Strategies
Local	Tangata Whenua Values
	Community Board Objectives
	Community Views

Evaluating the Options

37. Options have been scored and weighted in relation to the above criteria and then ranked to determine relative priorities for work programmes.
38. Most matters considered by the Council involve a single issue and a small number of options. However, this Study identifies and prioritises options that address many different issues. Rather than resulting in one 'preferred option', the staff evaluation has identified:
- options which achieved high scores and are important to pursue, for incorporation in an Implementation Plan to be developed following community consultation in 2009. These become the 'preferred options' as identified in the section below and are shown under a green heading in **Attachment 3**;
 - options which achieved moderate scores and would result in some benefit to harbour basin communities (ie 'nice to do'), shown under a blue heading in **Attachment 3**.
 - options which did not achieve a high or moderate score and are recommended not be pursued further, shown under a grey heading in Attachment 3.

Preferred Options

39. The result of the options evaluation process has been the identification of 'higher priority' options, which for the purposes of this report may be considered to be the 'preferred options'. These essentially reflect a proposed work programme, to be given effect through future LTCCP budgets.

Comprehensive workstreams

40. Many issues can be resolved, at least in part, by pursuing specific workstreams that comprehensively address concerns identified for the settlements. The workstreams each incorporate a number of discrete components that have been separately scored. The scoring shows that these workstreams are valid to include as preferred options in their own right.
41. The first of these comprehensive workstreams is that of undertaking 'Detailed Planning Studies' for areas most likely to experience a demand for urban growth (specifically: Wainui, Duvauchelle and Akaroa/Takamatua). This would enable the Council to be proactive in terms of managing anticipated long-term residential demand, while protecting and enhancing key elements of the natural, social, physical and economic environment.
42. The second workstream is that of developing a 'Places and Spaces' Plan for Akaroa to provide direction for the future management of the public areas of the town and ensure that these reflect historic and community values. This broad option brings together a number of 'sub-options' under different issue headings, including (for example) public works and infrastructure, heritage, transport and commercial operations.

Standalone high-ranking options

43. In addition to the two comprehensive workstreams above, a number of standalone options have been identified. All higher priority options are shown under the green headings in **Attachment 3**.

Summary of all preferred options

44. The table below provides a summary of the preferred options, comprising the two comprehensive workstreams and the standalone high-ranking options. For the full text of each of these options, refer **Attachment 3**.

Table 4: Summary of preferred options

Comprehensive Workstreams	
Detailed planning studies	
Develop detailed plans for Wainui, Duvauchelle, and Akaroa/Takamatua, to be proactive in terms of anticipated long-term residential demand in the harbour basin. Such plans will include public consultation and will consider and/or specify the following matters (as relevant):	
Natural Environment: <ul style="list-style-type: none"> climate change and coastal hazards; ecosystems, biodiversity, corridors and linkages; riparian corridors; flooding; springs and streams flows; land instability; local landscape values; subdivision size and rural character. 	Social Environment: <ul style="list-style-type: none"> archaeological sites; historic and cultural character areas; waahi tapu areas; population fluctuations; provision of reserves; community facilities (including their provision to attract permanent residents); recreational facilities.
Physical Environment (infrastructure): <ul style="list-style-type: none"> pedestrian linkages and connectivity; public transport cycling and mountain-biking routes; capacity of the road network; water and wastewater flow, capacity and disposal issues (including soil suitability for septic tanks where required); stormwater (integrated catchment management plans, low impact urban design options); energy (electricity lines, siting for solar gain); high speed internet availability. 	Economic Environment: <ul style="list-style-type: none"> small commercial centre development;
Managing Urban Change: <ul style="list-style-type: none"> buffers from legitimate rural activities; rural-residential activity; areas for intensification; the long-term settlement edge, staging of development, settlement form and structure 	
Refer options A.1, A.2, B.1, B.2, B.3, C.1, C.2, D.1, D.2, F.1, F.2, G.1, H.1, H.2, H.3, I.1, I.2, J.1, L.1, L.2, M.1, N.1, N.2, N.3, O.1, Q.1, R.1, R.2, R.3	

Akaroa Places and Spaces Plan	
Develop an Akaroa 'Places and Spaces' Plan that provides guidance for the future direction and management of public sites and areas in Akaroa, and which includes guidelines regarding the following matters to ensure that these reflect the local history, character and environment while ensuring safety and efficiency of movement:	
View-shafts; landscaping; heritage features; artwork	Public works and infrastructure (including for public open space, gutters)
Traffic management; signage and interpretation; footpath design; 'walkability'; maps	Commercial operations; tourist facilities (including public toilets)
A design brief for the long-term development of the BP Meats site (incorporating two alternative options)	
Refer options F.3, F.4, F.5, J.2, K.2 O.2, Q.2. For the BP Meats site: option O.3 [preferred] and option G.6.	

Other top ranking options (in no particular order)	
District Plan – investigate amendments as follows:	
To update provisions encouraging integration of transportation and land use planning functions (Opt I.3)	To enable greater flexibility of allotment and dwelling size in residential zones (Opt R.4).
Investigate amending the District Plan to provide recognition and appropriate protection of heritage and/or cultural landscapes (Opt C.4).	To provide strong objectives, policies and rules concerning the preferred form of long-term growth, articulating when, where and how the various forms of growth might be appropriate (Opt R.5)
To ensure that new subdivision and development incorporates integrated urban design solutions for stormwater disposal (Opt A.4)	To manage effects of business growth while enabling some growth to occur, including maintaining a core consolidation of business activity at Akaroa, enabling the range of employment opportunities to broaden, and ensuring provision of sufficient business-zoned land (Opt O.4)
Investigate potential locations and provisions for rural-residential development (Opt S.1)	

Water	
Research spring and stream flows between Wainui and Akaroa; identify and assess groundwater/aquifer supplies (potentially via joint study with ECan) and identify mechanisms to address effects of any reduced water availability (Opt M.2)	Undertake a hydrological modelling study for all harbour basin settlements to investigate flooding potential (taking climate change into account), to inform amendments to the District Plan (Opt B.5)
Soil	
Educate developers / landowners on local ground conditions and best practice methods for stabilising soils and reducing erosion / land subsidence (Opt A.7)	
Wastewater	
Research and identify (potentially with ECan) any local environmental effects of clustering of septic tanks; develop options and costings for remediation (Opt A.3)	
Stormwater / inundation	
Identify locations particularly susceptible to fast stormwater runoff and investigate mechanisms to address effects (Opt A.8)	Investigate areas identified as being likely to experience inundation due to sea-level rise, coastal erosion and/or storm surge inundation and identify suitable responses (Opt B.4)
Undertake an inventory of stormwater infrastructure for settlements beyond Akaroa including long-term improvement / management requirements and taking climate change impacts into account (Opt A.6)	Consult with local runanga in development of any new stormwater systems in the harbour (Opt A.5)
Transport	
Address State Highway and arterial road issues regarding safety and land use integration (Opt I.4)	Determine locations and opportunities for roadside stopping points for short-term parking and interpretation signage (Opt H.5)
For locations where roads are likely to erode with future sea level rise / storm surge events, identify options to maintain a secure transport corridor (Opt I.5)	
Recreation	
Assess potential new walkways and prioritise the most promising, including an assessment of their feasibility (Opt H.6)	Survey coastal facility users and local residents to ascertain current pressures on coastal recreational infrastructure to enable identification of appropriate responses (Opt H.7)
Undertake a study to determine supply and demand for recreational facilities, including shortage / quality issues surrounding existing recreational facilities and strategic purchase opportunities (Opt H.4)	
Community services and facilities	
Undertake an audit of existing and projected ability for current voluntary / medical / emergency services, and for existing community facilities to meet long-term peak population (Opt G.2)	
Sustainable communities - general	
Support Green Globe certification for the harbour basin, including by benchmarking and monitoring performance across the community performance areas (Opt T.1)	
Tourism	
Support development of a formal tourism liaison group to include representatives from the local community (Opt Q.3)	
Heritage	
Identify heritage buildings coming under development pressure; implement / develop an appropriate range of retention mechanisms (Opt F.6)	

45. Final preferred options and work programmes will be determined following community consultation in early 2009 and the study outputs will include an Implementation Plan to set out the timing for the final agreed work programmes. A final 'Issues and Options' document and Implementation Plan will be presented to the Council for adoption mid-2009.

ASSESSMENT OF OPTIONS

46. Detail of the methodology used to assess options can be provided by staff upon request.

11. MORICE RESERVE - LITTLE RIVER PONY CLUB - FORMALISATION OF LEASE/LICENCE

General Manager responsible:	General Manager City Environment Jane Parfitt, DDI 941-8656
Officer responsible:	Alan Beuzenberg: Transport & Greenspace Manager
Author:	John Allen Policy & Leasing Administrator

PURPOSE OF REPORT

1. The purpose of this report is to enable the Community Board to consider an application from the Little River Pony Club, (the Club), to formalise their present occupation (over 60 Years) of Morice Reserve situated in Cooptown, and the adjacent unformed legal road. This requires the Community Board to resolve to:
 - (a) approve a lease to the Club for the areas of the reserve on which the its existing and proposed structures are or to be situated.
 - (b) approve a licence for the balance of the reserve to the Club.
 - (c) to grant the Club approval to construct a new combined clubrooms and secure vermin proof storage garage, (see attached plan).

EXECUTIVE SUMMARY

3. The Club have informally occupied Morice Reserve in Cooptown for over 60 years, they presently have a barn, and a toilet built on the site. Morice Reserve is a classified recreation reserve vested in the Council held under the Reserves Act 1977 (Act), and as such there is a legal requirement for the informal arrangement to be formalised in accordance with the requirements of Section 54(1)(c) of the Act.
4. The Club wishes to build a combined clubroom/secure vermin proof storage garage adjacent to the present barn, to better cater for their existing membership and visitors, while at the same time raising the profile of the Club, and positioning themselves to better cater for the changing demographics of the Little River Community.
5. The Club believes as part of its strategic plan that an increase of approximately 50% in club membership from the current 25, most of whom are younger riders, is achievable over the next five years, because of the heightened profile the Club will have in the community resulting from the proposed developments. These developments will better position the Club to take advantage of the changing demographics in the area (more people moving into the area, a number of which have younger families).
6. The Club, which is in a sound financial position, is intending to provide a quarter of the money required to build the new club rooms/storage facility (\$7,500), raising the balance from funding applications made to organisations like the Lion Nathan Foundation, The Southern Trust, Perry Foundation, Eureka Trust, and Lottery Community Facilities Fund
7. The Corporate Support Manager has delegated authority from Council to grant licences for the use of legal road, formed and unformed, for periods of up to five years, and therefore the process of licensing the section of unformed legal road abutting the northeast side of the reserve to the Club will be undertaken by the Corporate Support Manager under delegated authority from Council.
8. Officers are recommending that the Community Board acting under delegated authority from Council approve the application by the Club to lease/licence Morice Reserve, in accordance with Section 54 (1)(c) of the Act.
9. Officers are also recommending that the Board grant the Club permission to build the proposed clubrooms and storage garage subject to the conditions set out in the "Staff Recommendations" section of this report.

FINANCIAL IMPLICATIONS

10. There are no financial implications to the Council with the proposed developments. It is the responsibility of the Club to fund the development, build and maintain the infrastructure at their expense. The only costs will be in staff time spent preparing this report to gain the Boards approval or otherwise of the Club's application, putting the lease, and licences in place, and monitoring the developments as they occur on the site. These costs are already allowed for in existing staff budgets.
11. The Club is intending to fund their proposed new clubrooms/storage facility, estimated to cost \$30,000, from their own funds (\$7,500), the balance required being sort from grants, sponsorship, and donation of time, outside of Council sources. If there is still a shortfall in funding, alternative sources of funding will be evaluated/sought possibly through the following Council sources:
 - (a) Council low interest loan.
 - (b) Community Board Discretionary Fund.
 - (c) Small Projects Fund.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

12. The recommendations will have no impact upon the 2006-16 LTCCP budgets, except as elaborated in 10 and 11 above.

LEGAL CONSIDERATIONS

13. Morice Reserve is a classified, (New Zealand Gazette 1980 page 1215), recreation reserve of 1.4315 hectares, vested in the Christchurch City Council, which is held under the Act, being situated northeast of the Little River township at Cooptown. The reserve has a legal description of Reserve 3729 on SO Plan 1542 contained in certificate of title 25K/653.
14. Abutting the reserve along the north-eastern boundary there is an unformed legal road of approximately 3,560 square metres in area which has always been informally included in the reserve for occupation purposes. It is intended that this area be also licensed to the Club. The Corporate Support Manager has delegated authority to licence for the use of legal road, formed and unformed, for periods of up to five years. Internal legal advice is that licence periods of longer than five years should not be granted, for a variety of reasons, and therefore it will be necessary for the Club to formally indicate to the Council, (Corporate Support Manager), at the end of a five year period if they wish to enter into a further licence period of up to five years. The Council is able to enter into such a licence agreement under the powers of general competency as set out in Section 12 of the Local Government Act 2002. Any such grant made must be subject to termination by the Council on giving the licensee six months written notice of the Council's intention to terminate the occupation right, because it is required for roading purposes.
15. There is a requirement under Section 54(1)(c) of the Act to put a lease and a licence in place over the area of park occupied by the Club's infrastructure and the area that the Club temporarily occupies while undertaking it's activities; the lease being over the areas that the public are precluded from having access to at all times, (clubrooms, storage buildings, and toilet), which is approximately 143 square metres in area, while the other areas that the Club temporarily occupies while undertaking their activities, but from which the public are otherwise not excluded, approximately 1.4172 hectares, will be licensed to them.
16. Under the requirements of Section 54 of the Act, it will be necessary if Community Board approval for the application is obtained, for the proposal to be publicly advertised, (Section 54(2) in accordance with Section 119 of the Act, full consideration given to any submissions or objections received, (Section 120 of the Act), and the prior consent of the Minister of Conservation obtained (delegated to Canterbury Office staff), prior to the putting of the lease/licence agreement in place.
17. The lease/licence terms will be agreed to before the Little River Pony Club makes application for resource and building consent, for their proposed building, these consents being required before onsite construction commences.

20.11.08

18. The Community Board has delegated authority from Council, (April 2008), to consider this application and to decide whether or not to grant the lease/licence over the reserve which is held under the Act, the Board is therefore acting as the Council.
19. An unregistered lease can be offered under the Act for a period of up to 33 years before the Council must be satisfied that the conditions of the lease have been met, and that there is sufficient need for the facilities and amenities, and that some other use should not have priority in the public interest, these being requirements, when leasing recreation reserves, as set out in the First Schedule to the Act.
20. Current Council practice has been to grant leases for periods up to 33 years, broken into three periods of 11 years, the Club in question having the right to renew the lease at the end of the first two terms if the tests as set out in 19 above are satisfied. Officers are recommending that such a lease term be offered to the Club.

Have you considered the legal implications of the issue under consideration?

21. Yes – see above

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

22. The LTCCP's strong communities, strategic directions section prioritises:
 - Providing accessible and welcoming public buildings, spaces and facilities;
 - Providing parks, public buildings, and other facilities that are accessible, safe, welcoming and enjoyable to use;
 - Working with partners to reduce crime, help people avoid injury and feel safer;
 - Providing and supporting a range of arts, festivals and events;
 - Protecting and promoting the heritage character and history of the city.

The fulfilment of the Club's ambitions by approving this application will add to the enjoyment and experience, Club members, and visitors to the park can obtain.

23. The LTCCP's healthy environment, strategic directions section prioritises:
 - Providing a variety of safe, accessible and welcoming local parks, open spaces and waterways;
 - Providing street landscapes and open spaces that enhance the character of the city;
 - Protecting and enhancing significant areas of open spaces within the metropolitan area.

The approval of this application and the resulting development will enhance the character of the park/open space for peoples enjoyment.

24. The LTCCP's liveable city, strategic directions section prioritises:
 - Improving the way in which public and private spaces work together.

The approval of this application will add to the private infrastructure on the park thereby improving the way it interrelates with the public park it is situated upon, which in turn will add to the value of the experiences Club members and their visitors can obtain at the park.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

25. Yes – see above.

ALIGNMENT WITH STRATEGIES

26. This application is aligned with the Christchurch Active Living Strategy, by supporting members mental stimulation, (learning how to ride to compete in dressage competitions, and competitions themselves).

27. This application also supports the Christchurch Visitor Strategy by allowing the Club to enhance their facilities, thereby strengthening the value of their facilities in Little River, which will make them more appealing to locals in the area interested in riding, and other like minded people visiting the area.
28. The approval of this application is in alignment with the Council's Strategic Directions to support Strong Communities. It encourages residents to enjoy living in the city and to have fun, thereby supporting Christchurch as being a good place to live.

Do the recommendations align with the Council's strategies?

29. Yes –see above

CONSULTATION FULFILMENT

30. Public Consultation will be required in accordance with the requirements of the Act as set out in 15 above under the section entitled 'Legal Considerations'.

STAFF RECOMMENDATION

That the Community Board under delegated authority from Council

- (a) Grant to the Little River Pony Club Inc under Section 54 (1) (c) of the Reserves Act 1977, a lease over approximately 143 square metres, and a licence over approximately 1.4172 hectares, (the balance), of Morice Reserve, being a classified recreation reserve, the legal description for which is Reserve 3792 on SO Plan 1542 contained in certificate of title 25K/653 vested in the Council, for a period of 33 years, broken into three periods of 11 years each subject to:
 - (i) Public notification of the reserve lease/licence area.
 - (ii) Approval by the Minister of Conservation of the reserve lease/licence area.
 - (iii) The satisfactory outcome of the public consultation process.
 - (iv) The Pony Club having the right to ask for a renewal of their reserve lease/licence area for a further term at the end of the first two 11 year terms, subject to the Council being satisfied that the conditions of the lease have been met, and that there is sufficient need for the facilities and amenities, and that some other use should not have priority in the public interest.
 - (v) The area covered by the licence agreement being available for public use at all times except when being used by the Pony Club.
 - (vi) The lease/licence terms being negotiated by the Corporate Support Manager in consultation with other staff as appropriate.
 - (vii) The lease/licence areas being maintained by the Pony Club in a safe and tidy condition at all times.
 - (viii) All costs associated with the issuing of the lease/licence, development and subsequent maintenance of all structures, are to be the responsibility of the Pony Club.
 - (ix) The licence agreement is to include a clause which indemnifies the Council and its servants from all claims or demands of any kind, and all liability in respect to any damage or injury occurring to any person or property as a result of the Pony Club's activities on the site.
 - (x) The Pony Club is to show proof to Council staff that it has a minimum of \$1,000,000 public liability insurance, which must be maintained as current during the lease licence period.

20.11.08

- (xi) The licence will be automatically revoked upon the surrender, or withdrawal of the lease associated with this application.
- (b) grant permission to the Little River Pony Club to build a new club-room/secure vermin storage garage, measuring 6 x12 metres as shown in the attached plans and elevations, subject to the following conditions:
 - (i) The Pony Club is to obtain all necessary Resource and Building Consents before any development commences upon the site.
 - (ii) The colour scheme for the proposed Clubrooms/storage garage, is to be approved by the Transport & Greenspace Unit Manager or his nominee prior to construction commencing upon the reserve.
 - (iii) Before any tenders are let or work commences upon the site, the Pony Club is to hold discussions with the Transport & Greenspace Manager's designate, to ascertain the Council's requirements through the development phase of the construction of the facility.
 - (iv) A bond of \$500 is to be paid by the Pony Club to the Christchurch City Council and a temporary access contract signed before work commences upon the site. The bond less any expenses incurred by the Council will be refunded to the payee upon the completion of the work.

BACKGROUND (THE ISSUES)

- 31. The Club has been occupying Morice Reserve for over 60 years, the Club having an annual trophy which is competed for since 1961. The Club is the local branch of the New Zealand Pony Club Association, which comprises 240 branches throughout the country with over 8,600 members, it being one of the larger youth sporting organisations throughout the country.
- 32. During it's history the Club has had a fluctuating membership, and although not a large club, (currently 25 members), compared with other pony clubs in the greater Christchurch region, this membership has been stable over the last five years. The Club indicates that the membership age has over time shifted to predominantly junior riders. The Club is of the view that this is linked to the increase in the number of new dwellings being built in the Little River area, and is of the opinion that this coupled with the proposed developments will lead to an 'improved visibility and standing' of the Club in the community, which will flow through to increased membership over time. The Club is of the view that an estimated 50% increase in membership over the next five years, is realistic because of the changing local demographics, increased awareness, and profile of the Club in the community, resulting in part because of the proposed development.
- 33. The Club is in a strong financial situation for a Club of this size having approximately \$9,500 in the bank, of which they intend to put \$7,500, (25% of the cost of the proposed development), towards the building of the clubrooms/ storage garage.
- 34. The Club's present barn is good for the storage of hay, jumps etc, but is not suitable for the storage of gear which needs to be stored in a dry vermin proof building, the Club now finding such an onsite storage facility is necessary.
- 35. The proposed Clubrooms (measuring 6x6 metres with a 1.5 metre wide veranda facing northeast into the reserve), and the attached 6x6 metre dry secure vermin proof storage garage, will be a "versatile" building, (see attached plan and elevations), located 1 metre north of the present barn, and set back 3 metres from the reserve boundary on the south west side, which is in compliance with the district scheme requirements, (see attached plan and elevations).
- 36. The Club is a branch of the New Zealand Pony Clubs Association, and as such the Associations Public Liability Insurance Policy which is for the sum of in excess of \$1,000,000, covers the Club in the event that such a claim is made against the Club.

37. Officers are comfortable with formalising the Club's present informal occupation of the reserve, by a lease/licence of the area, which will maximise the general public's right of access to the reserve, while minimising the areas that are necessarily leased to the Club to enable them to undertake their activities efficiently. Many other types of clubs, e.g. bowls, tennis, croquet, because of their activities have considerably greater areas leased to them, from which the public are excluded.
38. Morice Reserve is administered by the Awa-iti Reserve Management Committee, for Council, this being a sub-committee of the Akaroa/Wairewa Community Board. This management Committee does not have authority to approve lease/licences over the land that they administer on behalf of Council, however they have been made aware of this application and are in support of it.

THE OBJECTIVES

39. The objective is to grant a lease/licence over Morice Reserve to formalise the Club's long, (over 60 years) occupation of the reserve as required by Section 54 (1)(c) of the Act, and approve the Club building a 6x12 metre clubrooms/storage garage close to their present barn, to enable the Club to better cater for their members and visitors in the future.

THE OPTIONS

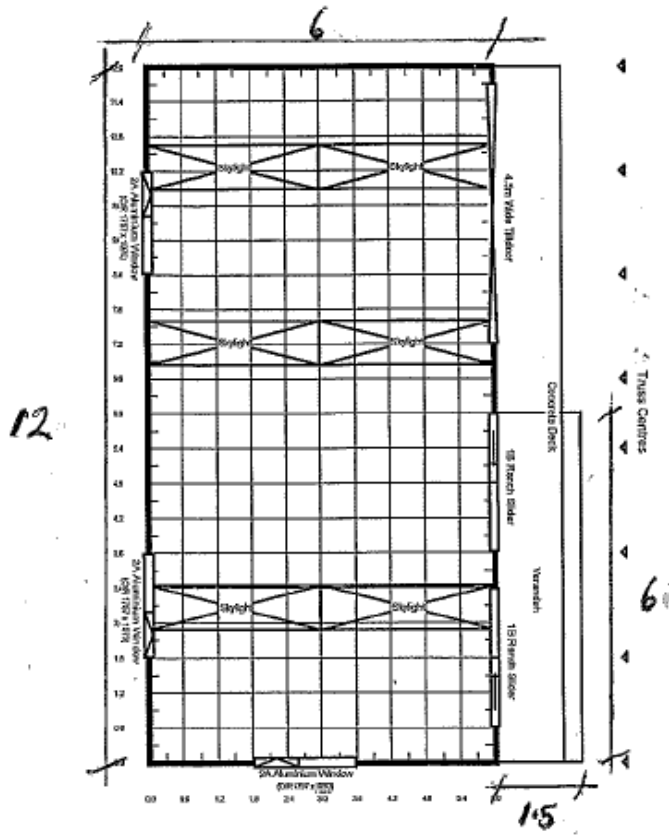
40. To approve the application, thereby allowing the Club to realise their aspirations, which will assist them to better service their club members, and visitors in the future, while raising their profile in the community, thereby better positioning the Club to cater for the changing demographics of the area.
41. Not approve the application, which will mean that the Club's informal occupation of the reserve will not be able to be legalised as required by Section 54 of the Act, thereby not enabling the Club to better service it's existing members, and visitors, and position itself effectively to cater for the changing demographics in the area.

PREFERRED OPTION

42. To approve the application, thereby allowing the Club to realise their aspirations, which will assist them to better service their club members, and visitors in the future, while raising their profile in the community, and at the same time better position themselves to cater for the changing demographics in the area.

Attachment to Clause 11

Proposed: Garage (Quote Number: nadams-445)
For: Mr. Mark Tudhope
Address: Little River Pony Club, State Highway 75, Little River



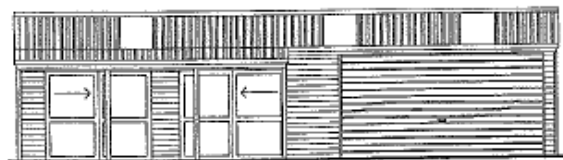
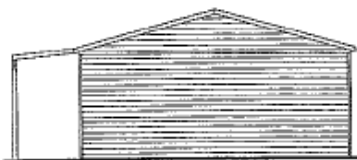
Front Elevation

Left Elevation



Rear Elevation

Right Elevation





Attachment to Clause 11

12. BRIEFINGS

12.1 COMMUNITY DEVELOPMENT ADVISER

The Community Development Adviser will update the Board on:

- Art project for Akaroa Playcentre fence
- Funding for Akaroa Town Crier

13. COMMUNITY BOARD ADVISERS UPDATE

13.1 LTCCP Discussion

The Board may wish to have a preliminary discussion on capital items it wishes to consider for the 2009-2019 LTCCP.

14. ELECTED MEMBERS INFORMATION EXCHANGE

15. QUESTIONS UNDER STANDING ORDERS

AKAROA-WAIREWA COMMUNITY BOARD SUPPLEMENTARY AGENDA

THURSDAY 20 NOVEMBER 2008

AT 9.30 AM

IN THE BOARDROOM,
LITTLE RIVER SERVICE CENTRE
STATE HIGHWAY 75, LITTLE RIVER

**Community
Board:**

Stewart Miller (Chairman), Bryan Morgan (Deputy Chairman), Jane Chetwynd, Claudia Reid,
Pam Richardson and Eric Ryder

Community Board Adviser

Liz Carter

Telephone: 941 5682 DDI

Fax: (03) 304-7731

Email: liz.carter@ccc.govt.nz

- PART A - MATTERS REQUIRING A COUNCIL DECISION
- PART B - REPORTS FOR INFORMATION
- PART C - DELEGATED DECISIONS

INDEX		PAGE
PART C	16. CONSIDERATION OF SUPPLEMENTARY ITEM	2
PART C	17. APPLICATION TO DISCRETIONARY RESPONSE FUND	3

16. RESOLUTION TO BE PASSED - SUPPLEMENTARY REPORT

Approval is sought to submit the following report to the meeting of the Akaroa-Wairewa Community Board on Thursday 20 November 2008:

- Application to the Akaroa-Wairewa Discretionary Response Fund

The reason, in terms of Section 46a (vii) of the Local Government Official Information and Meetings Act 1987, why the reports were not included on the main agenda is that they were not available at the time the agenda was prepared and they cannot wait for the next meeting of the Board because of the timeline associated with the funding application.

STAFF RECOMMENDATION

That the Board resolve to receive and consider the supplementary report, at the meeting of the Community Board on 20 November 2008.

17. APPLICATION TO DISCRETIONARY RESPONSE FUND

General Manager responsible:	Community Support Unit, DDI 941-8534
Officer responsible:	Community Development Manager
Author:	Sue Grimwood

PURPOSE OF REPORT

1. To present to the Akaroa-Wairewa Community Board, for the Board's consideration, a funding application for financial assistance from the Board's Discretionary Response Fund which will enable the Akaroa District Promotions to exhibit as part of the National Flower Bed competition at the Ellerslie International Flower Show in Christchurch over 11 to 15 March 2009.

EXECUTIVE SUMMARY

2. The Ellerslie International Flower show will be held in Hagley Park, Christchurch from 11 to 15 March 2009.
3. Akaroa District Promotions (ADP) has planned to exhibit a garden, designed by Jodie Nicholls from Le Bons Bay, reflective of the wider Akaroa area. Central to the design is the sea, a boat and a dolphin. The boat will be filled with red petunias; lining the edge of the boat are white petunias; a sea of blue salvias; springing from the sea will be a dolphin made from white and bluish lobelias; orange marigolds for buoys; a person in the boat will be have a basket with French wine and the official Akaroa visitor guide; a gramophone playing French music will be in the back of the boat. The boat's sail will be painted in Akaroa wood pigeons and cabbage trees.
4. The objectives of the Garden Bed Exhibition will be to heighten the profile of Akaroa and the Bays, to be represented at an International event, have the personal approach by being able to talk to people about the area and to distribute promotional material encouraging people to come to the area and stay.
5. Budget for the 7m x 4m display is made up of material costs - \$1,343.00; flowers \$2,966.00; designer and building/set-up costs \$1,000.00. ADP is requesting \$5,309.30 from the Board's Discretionary Response Fund to enable the organisation to exhibit at this event.
6. ADP is unable to fund the project from their existing budget which already has a shortfall of \$22,000.00 for salaries this financial year. ADP is holding \$33,000.00 on term deposit in case it needs to buy back the Information Centre. The applicant is limited by time constraints in finding alternative funding options which could be applied to this project within the 2008-09 year. Local business sponsorship might be an option, particularly if there is a shortfall however the organisers preference is to promote the region rather than just one business. Christchurch and Canterbury Tourism (CCT) have been approached for support and although encouraging have not budgeted for the event. ADP may be able to make another approach to CCT to cover a small shortfall if significant funding is secured.
7. The applicants have indicated that any significant funder can have input into how/what information will be used in the display to promote the Akaroa and Bays region.

FINANCIAL IMPLICATIONS

8. There are no financial implications for Council. The Akaroa-Wairewa Community Board has \$7,500.00 available in their Discretionary Response Fund. The Akaroa-Wairewa Discretionary Response Fund has \$15,000.00 available at the beginning of each financial year, \$2,000.00 being set aside for Youth Development applications, leaving \$13,000.00 for community disbursements. Any funds remaining as at March each year, from those set aside for Youth Development, are returned to the Discretionary Response Fund for use. To date the Akaroa Boating Club has received \$5000.00 and the Community Board has tagged \$500.00 for its newsletter. One youth applicant has received \$350.00 with \$1,650.00 still available in the Youth Development fund.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

9. The recommendations contained within this report align with the 2006-16 LTCCP budgets.

LEGAL CONSIDERATIONS

10. There are no legal considerations for this report

Have you considered the legal implications of the issue under consideration?

11. There are no legal considerations required for the recommendations contained within this report

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. The report aligns with the LCCTP and activity management plans.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

13. Recommendations in this report support a level service in the 2006-16 LTCCP.

ALIGNMENT WITH STRATEGIES

14. The application aligns with the Strengthening Communities Strategy.
Community Outcomes 2.2 A city of inclusive and diverse communities
- support the development of resilient and resourceful communities
 - communities trends, issues and imperatives are understood
 - stakeholders collaborate to identify and address community issues and
 - people feel a sense of community.
- 2.3 capacity building of community groups

Do the recommendations align with the Council's strategies?

15. The recommendations contained in this report align with Council's strategies.

CONSULTATION FULFILMENT

16. No consultation required. The Marketing Manager for ADP made a presentation outlining the proposal to exhibit at the Show, to the Board at its August meeting.

STAFF RECOMMENDATION

That the Akaroa/Wairewa Community Board

- (a) Supports the Akaroa District Promotions request for funding assistance to exhibit at the Ellerslie International Flower Show, in the National Flower Bed Competition, providing \$3,300.00 from the Discretionary Response Fund towards the total project cost of \$5,309.00.
- (b) Suggests that Akaroa District Promotions approaches Christchurch and Canterbury Tourism (in the first instance), and then local business members to help meet the funding shortfall.